Urgent Reform: Abolish the Rhode Island Family Court

Author: Patrice Livingston

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Ongoing Legislative Findings from a Collaborative of Florence Development Group, Cobblestone Strategies, & RIFOJA

Findings/Activities in RI and Around the Nation

Funding, Performance & Accountability Issues

Funding, Performance & Accountability Issues

Executive Summary on the Abolish Family Court Collection

pvl70: August 9, 2011 10:02 PM, Posted and Edited by Patrice Livingston

The 2010 Annual Report on Advancing Solutions for Tomorrow's Legal System is usually included before or after this collection. These readings are intended to prompt the RI General Assembly to really try to understand the experience of people in the courts. The IAALS seeks to apply, study, and enforce rules of civil procedure, and it also seeks to encourage pilot reform projects. Rhode Island is in need of expedited judicial reform. Our state project brings together the intersecting contexts of women's justice, human rights for children, citizen protection from coercive control by either domestic partners or the courts, and a serious call for the injection of ethics into the legal and mental health professions.

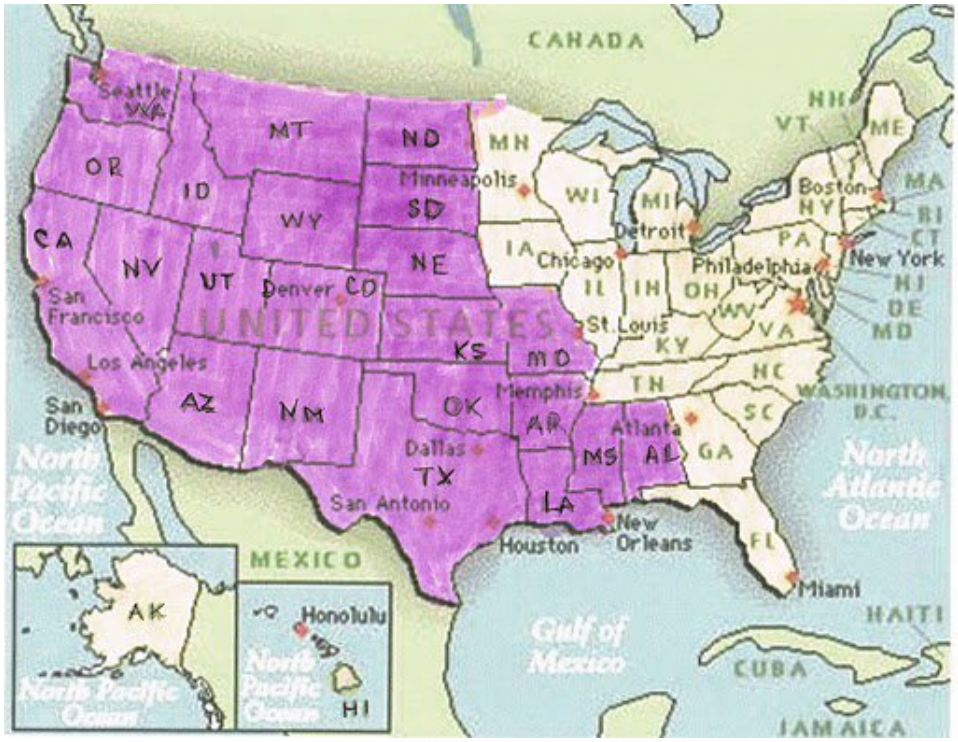
This report motivates a hard look at the fiscal and funding concerns which have led to such a deterioration of the public trust in the judiciary. The Rhode Island appropriations bill needs a a robust analysis done against the backdrop of both the TANF report to Congress and the $80 Billion DHHS machinery outlined. These programs are tied to a poorly performing, rights-violating set of fragmented and specialty courts which harm people economically and emotionally. The lawless family court does not follow best practices in social policy, human health, civil rights and human rights, or economic prudence and prosperity for litigants. Instead, it is replete with collateral mandates that cause people to suffer serious psychological distress (SPD) as outlined in the RI Health report referenced in the chapter on Questionable practices in Custody Litigation. We are able to annotate widespread abuse of due process, invalidation of children and emotional harm to families and communities.

Judicial accountability will come about with real reform driven by the General Assembly and when disciplinary or other actions compel it. We need to streamline the processes in our civil and criminal justice systems. Rhode Island can save time and expense, and skip a protracted audit process as we understand that we are very likely to find similar problems as were found by California in their audits. That report is readily available and points out many performance issues. They did the work for us. Financial issues are at crises levels at both the state and national levels. The General Assembly has a daunting task to fully analyze how, and on what, we taxpayers are truly spending our money on. More importantly, we need to identify where it goes and if its truly helping. The creation of an office of the Inspector General in tandem with strong penalties for corruption of the public trust, would help tighten up fiscal and performance problems when good workers and honest citizens have a voice and protection. That is one way to help rebuild Rhode Island. If we abolish the Family Court and the DCYF, we have a chance to restore families and help one another. We need to remove old infrastructure which no longer serves us, and which no longer works safely, before it crumbles down on top of us.

Brick By Brick - With Our Bare Hands - We Will Take the Family Court Down.

health46: September 14, 2011 4:32 PM, Posted by Patrice Livingston

Are you a protective parent struggling to protect your child/ren in our nation's family courts? Did the family court take or threaten to take your child/ren from you after you reported abuse? Send a confidential email to juliafletcher714@gmail.com. Tell us which family court is not protecting your children. One mom's coordinating purple states, one mom's coordinating white states. It's time to find every protective parent going through this nightmare in each state and advocate effectively for our children and ourselves.



Attachments:

1. discovery-of-empowerment-map-of-u-s-a.jpg (65.1 KB)

Soviet Style US Courts, along with Police, are Revenue Collection Systems

rifoja40: September 14, 2011 2:11 PM, Posted by Patrice Livingston

If any average citizen spends any amount of time in any court in the US, some things become very apparent. Courts, along with Police, Department of Children and Families, seem to be run by a lawyer mafia to enrich lawyers and collect revenue, fine, and confiscate assets and cash for the government. Courts are also tools for abuse and retaliation.

If you have 20 million dollars and are getting divorced, lawyers want to put a hold on 20 million dollars so if the divorce costs 20 million dollars, lawyers get their fees. Check out the Tauck v. Tauck case.

There may have been no bankster scandals, need for a bailout, or failing of economies worldwide if Los Angeles Judges weren't taking bribes to cover up bankster fraud. Attorney Richard I. Fine was jailed for contempt so judges could cover up their crimes.

Should judges and lawyers be able to dip into a child's trust fund for programs and for the legal process? Should citizens who lodge complaints against judges and the legal system, filing civil lawsuits for damages, end up in prison, jailed for contempt of court and for other charges?

Michael Nowacki is just another victim of an abusive system. Point out the obvious, end up in jail.

The below video is 2 hours long, but all the issues most relevant to proving the US Court System is abusive, too expensive, and out of control is discussed in the video below. Every state and federal official should view the video below, and then should be asked if they are for the tyranny of lawyers and to rip off citizens to fuel a fat, inefficient, whore of a government, or for we the people. Are we getting representation for our taxation?

// //

This writer told his Stafford Springs, Connecticut, elected officials that he intended on suing the State Police for refusing to protect and serve, and wanted to have a judge removed for bias in civil cases. I then received a year in prison on ridiculous charges.

Connecticut is highlighted for their judicial misconduct, but it is a national problem.

FIRST UP: Ed & Leslie discuss in an impromptu manner the frauds that go on in Divorce Court which destroy children and hands much of the estate over to the lawyers and System. The Conn. Bar Association is accused of secretly funding the particularly destructive GAL system, or Guardian Ad Litem. A conspiracy exist, mind you showing a definite Appearance of Impropriety, where rogue judges, corrupt lawyers, and even the Bar Associations themselves scheme to rape the family assets with unnecessary actions that cost familes against their wills, and rip children apart between both parents.

SECOND UP: at 36 mins.... Citizen Michael Nowacki is exposing how the Conn. Judicial Branch has been illegally engaging law-making practices:

On March 18, 2011, the Connecticut Ethics Commission undertook investigation into Chief Family Judge Lynda Munro's alleged unlawful solicitation for "sponsorship" from members of the Connecticut Bar Association for

mandated family court directed training for Guardian Ad Litem G.A.L.s held at Quinnipiac University. They dismissed it.

Audience is asked to respond to E mail address removed as to whether Munro's solicitation of Bar funding for the GAL Program constitutes "making law from her secretive back chambers accountable by some state enforcement agency?

The FOIA Commission claims it has no jurisdiction, not an Administrative Issue as defined by Conn. Supreme Court. (1:06:00 & 1:41:00) The hearing officer was referring to the 2006 decision, Clerk of GA 7 v. FOIC. That decision expanded the definition of "adjudicative" records to include simple docket sheet data not subject to FOIA.

Clerk has nothing to do with the Nowacki case because Nowacki is not asking for anything to do with an individual case and privacy issues. He's asking for information on Public Hearings. The Law Tribune writes http://www.ctfog.org/CCFOI/subsite/LTValvoArticle.htm : "Three of the seven justices in Clerk favored test based on the 1988 case of Bar Examining Commission v. FOIC. Notes: Quinn: March 3, 2008: We do believe that administrative function should be defined as including the management of the internal institutional machinery of the court system, accounting, budgeting, personnel, facilities, physical operations, scheduling, record keeping, and docketing." That statement is answer to Perpetua's J. Quinn Q at 1:21:45.

In the 1983 case of Rules Committee v. FOIC, Chief Justice Ellen Ash Peters noted that the state FOI Act applies only to the Judicial Branch "administrative records" and not to "adjudicative records" that might interfere with the courts' critical function of deciding individual cases. Peters narrowly defined "administrative" matters as the "budget, personnel, facilities and physical operations of the courts."

At the very least, it can be claimed Nowacki's failed FOIA to J. Munro and others about the GAL program and rule-making procedure was discovering the following: to know about records dealing with GAL budget or sponsorship, GAL personnel and even trainees, facilities at Quinnipiac and physical operations of the courts concerning the GAL. AMC "commando programs". After all, those Public Agency programs are physical operations that accommodate the efficient operations of the court, are administrative; and Nowacki is not seeking "adjudicative records" that might interfere with deciding any individual case.

Rules Committee v. FOIC is not so narrow that it limits the breadth of which administrative functions can still be carried out despite Clerk, thus is still under FOIA juris and oversight.

The hearing officer, Mr. Perpetua, @ 1:51:30 is wrong to have gone to such a narrow definition when "internal machinery" is the mantra, and when Nowacki points out the Superior Court and Appellate Court, and Chief Adm. J. Quinn acknowledges their rule-making falls as an administrative act. And when the Supreme Ct. NEVER limited Administrative tasks past docket and case sealing. Administrative function should be defined as including the management of the internal institutional machinery of the court system, which must include activity related to Rule-making. Judge Lynda B. Munro spearheaded a program aimed at influencing private law firms' hiring and employment practices. This is highly controversial behavior showing impropriety and warranting investigation of a conflict of interest, ethics, and even criminal allegations.

When a judge creates and manages, schedules,and coordinates a program like the GAL (Guardian Ad Litem) or AMC (Atty for the Minor Child) training sessions, a program under great social controversy whether or not it's actually

destructive to families, promoted independently by this J. Munro, ... is that or is that not an Administrative function subject to FOIA Commission jurisdiction?

Use YouTube LIKES Vote for YES
Use DISLIKES Vote below for NO

Citizen Reporter

http://starkravingviking.blogspot.com/

Steven G. Erickson is a freelance cameraman, blogger, photographer, documentary producer, screenwriter, sometimes journalist, and can and will travel anywhere if the terms are right. His objective is to reform America's courts, creating a "People's (more...)

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this reference pulled 14 SEP 2011 from :

http://www.opednews.com/Diary/Soviet-Style-US-Courts-al-by-Steven-G-Erickson-110420-523.html

George Orwell 1984 - Quote Applies to Today

policy42: September 18, 2011 6:08 PM, Posted by Patrice Livingston

Direct Quote from the Book 1984 by George Orwell -

Part 3, Chapter 3

note: George Orwell worked for the British Imperial Government as a police officer in India, then he worked for the Communists in the Spanish Civil War; and then he worked in propaganda during WWII at BBC. He wrote and edited essays that described that the fact that this is what he believed they were trying to set up and that they were playing the left and right against each other as all staged. And the government was staging terror attacks to bring in their world government. He died about a year after 1984 was published. He was a British spy from a good family and so he breaks down how the globalists were asinine on purpose just to break the will of the people and to condition us to accept anything. Hilary Clinton says this is her favorite book. Obama says his favorite book is Brave, New World. These are bibles of what they are going to do to us - and Huxley says its a mix of the two, what they are doing to us.

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What are the stars?' said O'Brien indifferently. 'They are bits of fire a few kilometres away. We could reach them if we wanted to. Or we could blot them out. The earth is the centre of the universe. The sun and the stars go round it.'

Winston made another convulsive movement. This time he did not say anything. O'Brien continued as though answering a spoken objection:

'For certain purposes, of course, that is not true. When we navigate the ocean, or when we predict an eclipse, we often find it convenient to assume that the earth goes round the sun and that the stars are millions upon millions of kilometres away. But what of it? Do you suppose it is beyond us to produce a dual system of astronomy? The stars can be near or distant, according as we need them. Do you suppose our mathematicians are unequal to that? Have you forgotten doublethink?'

Winston shrank back upon the bed. Whatever he said, the swift answer crushed him like a bludgeon. And yet he knew, he knew, that he was in the right. The belief that nothing exists outside your own mind -- surely there must be some way of demonstrating that it was false? Had it not been exposed long ago as a fallacy? There was even a name for it, which he had forgotten. A faint smile twitched the corners of O'Brien's mouth as he looked down at him.

'I told you, Winston,' he said, 'that metaphysics is not your strong point. The word you are trying to think of is solipsism. But you are mistaken. This is not solipsism. Collective solipsism, if you like. But that is a different thing: in fact, the opposite thing. All this is a digression,' he added in a different tone. 'The real power, the power we have to fight for night and day, is not power over things, but over men.' He paused, and for a moment assumed again his air of a schoolmaster questioning a promising pupil: 'How does one man assert his power over another, Winston?'

Winston thought. 'By making him suffer,' he said.

'Exactly. By making him suffer. Obedience is not enough. Unless he is suffering, how can you be sure that he is obeying your will and not his own? Power is in inflicting pain and humiliation. Power is in tearing human minds to pieces and putting them together again in new shapes of your own choosing. Do you begin to see, then, what kind of

world we are creating? It is the exact opposite of the stupid hedonistic Utopias that the old reformers imagined. A world of fear and treachery is torment, a world of trampling and being trampled upon, a world which will grow not less but more merciless as it refines itself. Progress in our world will be progress towards more pain. The old civilizations claimed that they were founded on love or justice. Ours is founded upon hatred. In our world there will be no emotions except fear, rage, triumph, and self-abasement. Everything else we have shall destroy everything.

Already we are breaking down the habits of thought which have survived from before the Revolution. We have cut the links between child and parent, and between man and man, and between man and woman. No one dares trust a wife or a child or a friend any longer. But in the future there will be no wives and no friends. Children will be taken from their mothers at birth, as one takes eggs from a hen. The sex instinct will be eradicated. Procreation will be an annual formality like the renewal of a ration card. We shall abolish the orgasm. Our neurologists are at work upon it now. There will be no loyalty, except loyalty towards the Party. There will be no love, except the love of Big Brother. There will be no laughter, except the laugh of triumph over a defeated enemy. There will be no art, no literature, no science. When we are omnipotent we shall have no more need of science. There will be no distinction between beauty and ugliness. There will be no curiosity, no enjoyment of the process of life. All competing pleasures will be destroyed. But always -- do not forget this, Winston -- always there will be the intoxication of power, constantly increasing and constantly growing subtler. Always, at every moment, there will be the thrill of victory, the sensation of trampling on an enemy who is helpless. If you want a picture of the future, imagine a boot stamping on a human face -- for ever.'

He paused as though he expected Winston to speak. Winston had tried to shrink back into the surface of the bed again. He could not say anything. His heart seemed to be frozen. O'Brien went on:

'And remember that it is for ever. The face will always be there to be stamped upon. The heretic, the enemy of society, will always be there, so that he can be defeated and humiliated over again. Everything that you have undergone since you have been in our hands -- all that will continue, and worse. The espionage, the betrayals, the arrests, the tortures, the executions, the disappearances will never cease. It will be a world of terror as much as a world of triumph. The more the Party is powerful, the less it will be tolerant: the weaker the opposition, the tighter the despotism. Goldstein and his heresies will live for ever. Every day, at every moment, they will be defeated, discredited, ridiculed, spat upon and yet they will always survive. This drama that I have played out with you during seven years will be played out over and over again generation after generation, always in subtler forms. Always we shall have the heretic here at our mercy, screaming with pain, broken up, contemptible -- and in the end utterly penitent, saved from himself, crawling to our feet of his own accord. That is the world that we are preparing, Winston. A world of victory after victory, triumph after triumph after triumph: an endless pressing, pressing, pressing upon the nerve of power. You are beginning, I can see, to realize what that world will be like. But in the end you will do more than understand it. You will accept it, welcome it, become part of it.'

Why Democracies Fail

legal57: August 31, 2011 11:40 PM, Posted by Patrice Livingston

Why Democracies Fail

A Democracy cannot exist as a permanent form of Government. It can only exist until the voters discover they can vote themselves largess out of the public treasury. From that moment on the majority always votes for the candidate promising the most benefits from the public treasury with the result that Democracy always collapses over a loose fiscal policy, always to be followed by a Dictatorship.

(Written by Professor Alexander Fraser Tyler, nearly two centuries ago while our thirteen original states were still colonies of Great Britain. At the time he was writing of the decline and fall of the Athenian Republic over two thousand years before.)

-Reprinted from the Freeman Magazine

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Democracy:

A government of the masses.

- Authority derived through mass meeting of any other form of "direct" expression.
- Results in mobocracy.
- Attitude toward property is communistic-negating property rights.
- Attitude toward law is that the will of the majority shall regulate. Whether it be based upon deliberation or governed by passion, prejudice, and impulse, without restraint or regard to consequences.
- Results in demagogism, license, agitation, discontent, anarchy.

Republic:

- Authority is derived through the election by the people of public officials best fitted to represent them.
- Attitude toward property is respect for laws and individual rights, and a sensible economic procedure.
- Attitude toward law is the administration of justice in accord with fixed principles and established evidence, with a strict regard to consequences.
- A greater number of citizens and extent of territory may be brough within its compass.
- Avoids the dangerous extreme of either tyranny of mobocracy.
- Results in statesmanship, liberty, reason, justice, contentment, and progress.
- Is the "standard form" of government throughout the world.

A republic is a form of government under a constitution which provides for the election of

1. an executive and;
2. a legislative body, who working together in a representative capacity, have all the power of appointment, all power of legislation, all power to raise revenue and appropriate expenditures, and are required to create
3. a judiciary to pass upon the justice and legality of their governmental acts and to recognize
4. certain inherent individual rights.

Take away any one or more of those four elements and you are drifting into autocracy. Add one or more to those four elements and you are drifting into democracy. – Atwood.

121. Superior to all others.- Autocracy declares the divine right of kings; its authority can not be questioned; its powers are arbitrarily or unjustly administered.

- Democracy is the "direct" rule of the people and has been repeatedly tried without success.
- Our Constitutional fathers, familiar with the strength and weakness of both autocracy and democracy, with fixed principles definitely in mind, defined a representative republican form of government. They "made a very marked distinction between a republic and a democracy * * * and said repeatedly and emphatically that they had founded a republic."

BY ORDER OF THE SECRETARY OF WAR:

C.P. SUMMERALL, *Major General Chief of Staff Official:*

LUTZ WAHL, *Major General, The Adjutant General.*

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Former Pennsylvania County President Judge and Juvenile Judge Mark Ciavarella Sentenced to 28 Years in Prison

legal28: August 11, 2011 8:24 PM, Posted by Patrice Livingston

U.S. Attorney's Office
August 11, 2011
Middle District of Pennsylvania
(717) 221-4482

SCRANTON, PA—Mark A. Ciavarella, former president judge of the Court of Common Pleas and former judge of the Juvenile Court for Luzerne County, was sentenced in federal court in Scranton, Penn., today by Senior U.S. District Court Judge Edwin M. Kosik II, announced Peter J. Smith, U.S. Attorney for Middle District of Pennsylvania. Senior Judge Kosik sentenced Ciavarella to 28 years in prison and ordered restitution be paid in the amount of $965,930 to the Commonwealth of Pennsylvania for his judicial salary and $207,861 in restitution related to the tax charges.

Ciavarella and his co-defendant, Michael Conahan, who also served as president judge of the Court of Common Pleas of Luzerne County, were initially charged in January 2009 with honest services mail and wire fraud and tax fraud in connection with the use of privately owned juvenile detention facilities. The charges were the result of a federal investigation of alleged corruption in the Luzerne County court system. The inquiry began in 2007 and over the next four years expanded to include county government offices, state legislators, school districts, and contractors in Northeastern Pennsylvania. Both defendants agreed to plead guilty. In July 2009, Judge Kosik rejected the proposed plea agreements because the defendants did not appear to accept responsibility for their conduct.

In September 2009 and September 2010, a grand jury in Harrisburg, Penn., returned superseding indictments charging both defendants with racketeering, honest services mail fraud, money laundering, extortion, bribery, tax violations, and conspiracy. The government also sought the forfeiture of approximately $2.8 million in assets allegedly acquired by the defendants through racketeering and money laundering. In response to the U.S. Supreme Court's 2010 decision in United States v. Skilling, the 2010 indictment specifically charged that bribes and kickbacks were paid to the defendants.

After an 11-day trial in Scranton in February 2011, a jury found Ciavarella guilty on 12 of 39 counts: racketeering, racketeering conspiracy, money laundering conspiracy, conspiracy to defraud the United States, four counts of honest services mail fraud, and four counts of filing false income tax returns. The jury also found that Ciavarella should forfeit $997,600, the sum he received from Robert Mericle, the developer who built the juvenile detention facilities.

Ciavarella testified at trial, claiming that the payments he received from Mericle were "finders fees" or "honest money" with no connection to Ciavarella's actions as a judge, and denied that he received payment from Robert Powell, owner of the facilities.

The evidence established that Conahan closed the Luzerne County Juvenile Detention Facility when he was chief judge and helped arrange the financing for the private facilities; that Ciavarella, as juvenile court judge, sent juveniles to those facilities; that both men obstructed efforts to question the county's use of the facilities and their financial relationships with Mericle and Powell; and both judges used bank accounts, straw parties and real estate vacation property to hide and launder payments received from Mericle and Powell. The evidence also showed that Ciavarella failed to report receipt of the funds on annual financial interest statements he was required to file as a judge and failed

to report the income on his federal income tax returns. Mericle and Powell have pleaded guilty pursuant to plea agreements and are awaiting sentencing.

Conahan pleaded guilty to racketeering conspiracy in April 2010. He did not testify at trial and has not been sentenced.

The judicial scandal, described as the worst in Pennsylvania's history, and the federal prosecutions have had major consequences: Ciavarella and Conahan resigned from the bench in 2009. Reform and housecleaning are underway in the Luzerne County court system. The Supreme Court of Pennsylvania was compelled to vacate thousands of juvenile convictions in Luzerne County as a result of Ciavarella's conduct as a juvenile court judge. A State Interbranch Commission on Juvenile Justice was established to study what happened and to recommend changes in the state's justice system aimed at safeguarding the constitutional rights of juveniles and improving the oversight and disciplinary process for judges in Pennsylvania. In June 2011, a committee of the American Bar Association reviewed and made recommendations to improve procedures in the state's Judicial Conduct Board. A procedure was established in Luzerne County for compensation of victims of the activities of Ciavarella and Conahan.

Ciavarella voluntarily surrendered at the end of the sentencing hearing and was taken into custody by the U.S. Marshals.

In the U.S. Attorney's Office, the prosecution was conducted by a team consisting of Senor Litigation Counsel Gordon A.D. Zubrod, Assistant U.S. Attorneys William S. Houser, Michael A. Consiglio and Amy Phillips, and Criminal Division Chief Christian A. Fisanick.

The case was investigated by the agents of the Internal Revenue Service, Criminal Investigations and the FBI's Scranton office.

Rhode Island Family Court History - An ACT is Needed to Abolish it Now.

policy36: September 4, 2011 10:33 AM, Posted by Patrice Livingston

Rhode Island established the first statewide family court system in the United States nearly 50 years ago. That means it can once again be a leader and be the firs to ABOLISH THE FAMILY COURT system now that it has lost its way, no longer serves us and actually harms our communities with outmoded practices and collateral mandates that money driven. Times have changed. The original intention of establishing friendly family relations no longer holds priority for the public servants, including attorneys, who work with families that struggle to restructure and reorganize. The Family Court needs to be abolished. It has tripled in size needlessly, has created ancillary programs that are unnecessary and actually work against the originally stated goals listed below to "assist, protect and restore families whose unit or well-being is threatened." Indeed, the Family Court ITSELF is a very serious threat to the unity and well being of families in our communities.

HISTORY

In 1935, the Domestic Relations Division was created within the Superior Court, the state's general trial court. The act creating this court division was designed to focus attention upon this field of jurisprudence, primarily with a view to reconciling the parties and re-establishing friendly family relations. In 1944, jurisdiction of juveniles was moved from the District Courts and placed in a statewide juvenile court.

In 1956 the Governor appointed a Family Court study committee which, in 1958, submitted a report recommending a Family Court for the State. On June 3, 1961, the Act creating a Family Court became law. Five (5) judges were appointed, one Chief Judge and four (4) Associate Justices.

The Rhode Island Family Court was the first statewide Family Court in the United States. In 1973, a Master of the court was appointed, and in 1987 a General Master was appointed. Today the Rhode Island Family Court consists of a Chief Judge, eleven (11) Associate Justices, a General Magistrate, and eight (8) Magistrates. The Family Court employs approximately 165 persons including all department personnel, court reporters, judges, and magistrates.

In 1981, the Rhode Island Family Court moved into the newly constructed Garrahy Judicial Complex in Providence, a six story building designed and constructed specifically for use as a courthouse. The building also houses other state judicial entities including the District and Workers' Compensation Courts. (The state's Superior and Supreme Courts are housed in separate courthouses.) The Family Court has offices in three (3) county courthouses.

GOALS AND JURISDICTION

The Family Court was created to focus special attention on individual and social problems concerning families and children. Consequently, its goals are to assist, to protect, and if possible, to restore families whose unity or well-being is threatened.

This court is also charged with assuring that children within its jurisdiction receive care, guidance, and control conducive to their welfare and the best interest of the state. Additionally, if children are removed from the control of their parents the court seeks to secure care equivalent to that which their parents should have provided.

Consistent with on these goals, the Family Court has jurisdiction to hear and determine all petitions for divorce and any motions in conjunction with divorce proceedings, such as motions relating to the distribution of property, alimony, support, and custody of children. It also hears petitions for separate maintenance and complaints regarding

support for parents and children.

The Family Court also has jurisdiction over matters relating to delinquent, wayward, dependent, neglected, abused, or mentally deficient or mentally disordered children. In addition, it has jurisdiction over adoptions, child marriages, paternity proceedings, and a number of other matters involving domestic relations and juveniles.

Appeals from decisions of the Family Court are taken directly to the state Supreme Court.

DEPARTMENTS

JUDGES AND MAGISTRATES

1 Chief Judge

11 Associate Justices

1 General Magistrate

8 Magistrates

FAMILY COURT ADMINISTRATOR

The Family Court Administrator is appointed by the Chief Judge. Under the general supervision of the Chief Judge, the administrator formulates procedures governing the administration of court services; collects the necessary statistics and prepares the annual report of the work of the court; provides supervision and consultation to the staff of the court concerning administration of court services, training and supervision of personnel, and fiscal management; as a clerk, is the keeper of the court seals and records, administers the court registry, collect all fees, fines and costs; and with the approval of the Chief Judge, appoints deputy clerks, assistant clerks, and clerical assistants as may be necessary.

COURT REPORTERS

The responsibilities of a Court Reporter is to make a true, complete, and accurate record of all criminal and civil proceedings required by law and transcribe faithfully the testimony offered to the court as required by law and directed by the judge. Court Reporters maintain all notes, tapes and records safely, recognizing that they are the property of the Judiciary by statute and that the clerk is the ultimate custodian.

JUVENILE SERVICES

When a police or school department refers a juvenile to the Family Court alleging that the youth is wayward or delinquent by reason that he or she has committed an offense in violation of state law or a city or town ordinance, a petition is submitted, accompanied by an incident report, to the Family Court Juvenile Clerks' Office. Except in cases of emergency detention, all petitions are referred to the Juvenile Services Department for preliminary investigation to determine whether the facts are legally sufficient to bring the child within the jurisdiction of the court and if so, to determine whether the interest of the public or the child require that further action be taken.

On a daily basis, case files with new petitions are assigned to Assistant Intake Supervisors who, using guidelines which were developed and approved by the judges of the Family Court, decide whether or not they qualify for diversion (non-judicial disposition). Those youth whose alleged offense(s) do not fit into the serious category and do

not have multiple petitions filed against them will be notified to appear for an Intake Conference with their parent(s) and/or guardian(s) to discuss the allegation(s) filed against them, at which time their constitutional rights are discussed, and a determination of conditions which are to be met to satisfy a non-judicial disposition are issued. The Intake Supervisor/Juvenile Counselor will not divert a case where the youth denies any involvement or responsibility or where the conditions set forth are not acceptable to the juvenile and his/her parent(s) or guardian(s). Also, factors such as age and sophistication of crime, impact on the victim, recommendations of the petitioner, and prior police contacts are taken into consideration. Once the conditions of the informal hearing are executed, a petition can still be filed before the court at a later date should the juvenile clearly and willfully refuse to comply.

In addition, if the proposed informal adjustment is unacceptable to the petitioner an appeal to the Chief Judge is available under Rules of Juvenile Proceedings 4. On average, approximately 30% of the Family Court wayward/delinquent petitions are disposed of informally.

Intake Supervisor's also prepare Waiver of Jurisdiction and Certification Reports for the judge(s) and attorneys that document a youth's prior Family Court involvement including Wayward/Delinquent adjudications and dispositions. As such, private and government agencies are notified and requested to provide reports of their involvement with the youth and his/her family and the prognosis for habilitation or rehabilitation within the juvenile justice system.

The Juvenile Services Department also performs restitution collection for the court. A Restitution Investigator has primary responsibility to assist victims of juvenile crime by collecting monetary restitution payments which are ordered by Family Court judges or agreed to as a condition of informal disposition. This investigator may assist the Family Court in determining the amount of restitution due the victim as well as the juvenile's ability to pay. In cases where the amount of restitution requested is in dispute, the Investigator will determine the fair and equitable value by conducting an investigation of the facts or by mediation with the parties.

Other functions include monitoring and documenting community service for youths ordered by the court to perform a specified number of hours within a given period of time.

FAMILY AND JUVENILE DRUG CALENDAR

The Family Court is committed to providing innovative rehabilitative services to Rhode Island's youth and their families. The creation of the Family and Juvenile Drug Calendar allows the judicial system to focus on a therapeutic approach as opposed to the traditional adversarial process. The Drug Calendar combines the persuasive and coercive powers of the juvenile court with clinical assessment and therapeutic interventions. Under the supervision of the Chief Judge of the Family Court, the Drug Calendar is the product of a collaboration among the offices of Family Court, Attorney General, Public Defender, Department of Children, Youth and Families, Department of Human Services, other state agencies, the legislature, as well as, members of business, minority, and community groups.

To be admitted into the program, a juvenile must meet certain eligibility criteria. The program targets juvenile offenders aged thirteen (13) to seventeen (17) who are charged with alcohol and/or drug offenses. Juveniles with a prior violent adjudication or a pending violent delinquent charge are not eligible for the program. A juvenile must also be highly motivated to change his or her behavior, to engage in intensively supervised and ambitious tasks intended to bring about change, and to ultimately succeed in life. Successful completion of the program can result in vacation of a juvenile's adjudication or plea on the drug offense and dismissal of the petition(s).

TRUANCY CALENDAR

The Truancy Calendar constitutes a change in the present policy of handling truants from a formal court petition to a community and school based intervention program involving various elements of the community. A reduction in truancy has been shown to decrease crime, teen pregnancy, drug and alcohol use as well as to change attitudes to enhance school readiness.

The Truancy Calendar assigns a magistrate to initially hear cases at the local level on a weekly or bi-weekly basis. Both parents and truants are summoned before the court which after a hearing recommends appropriate intervention measures. The court supervises cases on a continuing basis until truancy is no longer an issue.

CHILD PROTECTIVE SERVICES

COURT APPOINTED SPECIAL ADVOCATE PROGRAM (CASA)

The CASA program was initiated in 1978 by the Family Court. It was modeled after a program developed in Seattle, Washington and was the second program of its type in the United States. The program is based on a unique and innovative format involving trained volunteer advocates who work with full-time staff attorneys and social workers as a team to represent the best interests of dependent, neglected, and abused children who are under the jurisdiction of the Family Court. Since its inception, staff has been expanded several times to meet ever increasing caseloads. Staff attorneys carry an average caseload of 300 children. Staff social workers carry an average caseload of 125 children and act as a resource for CASA volunteers and staff attorneys.

CASA volunteers investigate the circumstances surrounding a case to which they are assigned by conducting home visits and contacting other service providers involved in a case. The volunteers provide ongoing advocacy for the child and submit written reports to the Family Court with recommendations as to the best interests of the child.

Because volunteers are essential to the CASA Office, there are ongoing efforts to bring about name recognition for CASA and to greatly increase volunteer recruitment.

JUVENILE CLERK'S OFFICE

The Juvenile Clerk's Office in Providence maintains all filings of juvenile petitions for the entire state. Assignments are made to the various counties. This office processes petitions which consist of: wayward/delinquent and dependent/neglected/abused children, adoption petitions, voluntary termination of rights, involuntary termination of rights, placement petitions, minors' permit to marry, civil court certification applications, various miscellaneous petitions, administrative appeals, and Mary Moe (abortions by a minor) petitions, as well as maintains an adoption registry.

DOMESTIC RELATIONS OFFICE

The Domestic Clerk's Office processes all domestic relations and domestic abuse complaints and maintains records of same. The office also processes criminal complaints filed by the Attorney General's Office, school departments, and police departments, i.e. child abuse, domestic assault, failure of parent(s) to send children to school.

It coordinates the jury trial calendar and requisitions jurors when needed. It receives and prepares all appeals to the Supreme Court.

The office prepares the daily calendars for each judge, maintains a daily score card, and maintains a continuous contested calendar. The Principal Supervisory Clerk is responsible for the three (3) offices in the county courthouses.

COLLECTIONS UNIT

The Collections Unit has two divisions: Reciprocal and Bookkeeping. The Reciprocal Office deals with child support enforcement and paternity actions filed by the Department of Administration - Division of Taxation - Child Support Enforcement, attorneys, and the public.

The Bookkeeping Office maintains accounting records for various accounts of the Family Court oversees day-to-day recordings of receipts, reconciles various bank statements, prepares and issues monthly reports depicting the financial condition of the court and cash required, and assists in testifying in court through records.

FAMILY SERVICES

The Family Services Office has two (2) units: drug testing and investigations. The Investigation Unit works with orders from judges to provide information on custody and visitation cases. The unit also works closely with the court on support matters, often helping to find employment.

The Family Service Unit is also charged with administering Alcohol and Drug screens for the various court calendars.

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and was retrieved 04 Sept 2011 from: http://www.courts.ri.gov/Courts/FamilyCourt/PDFs/AbouttheFamilyCourt.pdf

Attachments:

1. AbouttheFamilyCourt.pdf (81.5 KB)

Stress Quotes and Facts

health34: August 11, 2011 5:08 PM, Posted by Patrice Livingston

Stress Quotes and Facts

The following quotes are from Prescription for Nutritional Healing 4th edition. "Researchers estimate that stress contributes to as many as 80 percent of all major illnesses, including cardiovascular disease, cancer, endocrine and metabolic disease, skin disorders, and infectious ailments of all kinds."

"The increased production of adrenal hormones is responsible for most of the symptoms associated with stress. It is also the reason the stress can lead to nutritional deficiencies. "

"Increased adrenaline production causes the body to step up its metabolism of proteins, fats, and carbohydrates to quickly produce energy for the body to excrete amino acids, potassium, and phosphorus; to deplete magnesium stored in muscle tissue; and to store less calcium."

"As a result of a complex of physical reactions, the body does not absorb nutrients well when it is under stress. The result is that, especially with prolonged or recurrent stress, the body becomes at once deficient in many nutrients and unable to replace them adequately. Many of the disorders that arise from stress are the result of nutritional deficiencies, especially deficiencies of the B-complex vitamins, which are very important for proper functioning of the nervous system, and of certain electrolytes, which are depleted by the body's stress response."

"The pituitary gland increases its production of adrenocorticotropic hormone (ACTH), which in turn stimulates the release of the hormones cortisone and cortisol. These have the effect of inhibiting the functioning of disease-fighting white blood cells and suppressing the immune response."

"Further, stress increases the level of an immune system protein called interleukin-6 (IL-6), which has direct effects of most of the cells in the body and is associated with many disorders, including diabetes, arthritis, cancer, osteoporosis, Alzheimer's disease, periodontal disease, and cardiovascular disease. IL-6 has also been linked to frailty and functional decline on older adults."

"Digestion slows or stops, fats and sugars are released from stores in the body, cholesterol levels rise, and the composition of the blood changes slightly, making it more prone to clotting. This in turn increases the risk of stroke or heart attack."

"Stress also triggers the release of cortisol, an adrenal hormone that regulates carbohydrate metabolism and blood pressure."

"Stress also promotes the formation of free radicals that can become oxidized and damage body tissue, especially cell membranes."

"Stress is also a common precursor of psychological difficulties such as anxiety and depression."

"It also ages brain cells and builds fat around the body's midsection."

"Many psychiatrists believe that the majority of back problems, one of the most common adult ailments in the United State, are related to stress."

"One gene in particular is very important because it's related to the body's production of glutathione, our most powerful detoxifier and antioxidant. Your body can only excrete mercury when it's bound with glutathione."

"9. The only way to find out your total body load of mercury is to take a medication with sulfur molecules that binds to the mercury like fly paper. This is called DMSA or DMPS.""

* Methylation nutrients (folate, vitamins B6 and B12). These are perhaps the most critical to keep the body producing glutathione. Methylation and the production and recycling of glutathione are the two most important biochemical functions in your body (see my blogs on methylation for more details). Take folate (especially in the active form of 5 methyltetrahydrofolate), B6 (in active form of P5P), and B12 (in the active form of methylcobalamin)."

"I'm talking about the mother of all antioxidants, the master detoxifier and maestro of the immune system. It is GLUTATHIONE (pronounced "gloota-thigh-own")."

"We've learned a lot about how this mercury effects us and our children from reported exposures to mercury over the last 100 years. These include epidemics such as the Minimata Bay exposures in Japan, acrodynia or pink disease in children from calomel (HgCl) used in teething powder, "mad hatter syndrome" or erethism, and methylmercury fungicide grain seed exposures in Iraq and Pakistan.

The symptoms and diseases these exposures have caused are varied and mimic many other conditions. Nervous system toxicity can cause erethism ("mad hatter syndrome" as mentioned above) with symptoms of shyness, laughing, crying, and dramatic mood swings for no apparent reason; nervousness; insomnia; memory problems; and the inability to concentrate.

Other neurologic symptoms may include encephalopathy (non-specific brain malfunction), nerve damage, Parkinsonian symptoms, tremor, ataxia (loss of balance), impaired hearing, tunnel vision, dysarthria (slurred speech), headache, fatigue, impaired sexual function, and depression."

Canons and Presumptions in Courts

policy25: August 27, 2011 6:45 AM, Posted and Edited by Patrice Livingston

Roman Court and the Canons of Positive Law explains how the courts do what they do. It is all about the private oaths the courts take and the rebuttal of the presumptions in these canons 3224-3228.

12 Canons of 3228 are:

- public record
- public service
- public oath
- immuity
- custody
- presumption of summons
- presumption of court of guardians
- presumption of court of trustees
- presumption of government acting in two roles as executor and beneficiary
- presumption of executor De Son Tort
- presumption of incompetence
- presumption of guilt

Canon 3224

A Roman Court is a Forum for the exclusive private business of a Law (Bar) Guild sanctioned by the Roman Cult, also known as the Vatican, in which members of the guild presume certain roles on behalf of the "government" in order to make profit for the guild and its members through direct asset seizure and the commercialization of various securities, bonds and bailments.

Canon 3225

The meaning and source of the word "court" in respect of Roman Court is derived from the Latin word *cautio* meaning "securities, bond and bailment" as the primary commercial business of ancient Roman Cult sanctioned law guilds since the 13th Century.

Canon 3226

In order to make "guild" money, called "Guilt" or "Guilty", the Private Bar Guilds normally oversee a unique hidden trust for each controversy or "suit" that comes into the private Roman Court. Any bonds that are generated, called " Guilt bonds" are connected to the hidden trust, which the private Bar Guild members are sworn to deny exists

Canon 3228

A Roman Court does not operate according to any true rule of law, but by presumptions of the law. Therefore, if presumptions presented by the private Bar Guild are not rebutted they become fact and are therefore said to stand true. There are twelve (12) key presumptions asserted by the private Bar Guilds which if unchallenged stand true being *Public Record*, *Public Service*, *Public Oath*, *Immunity*, *Summons*, *Custody*, *Court of Guardians*, *Court of Trustees*, *Government as Executor/*Beneficiary, Executor De Son Tort, Incompetence, and *Guilt*:

(i) *The Presumption of Public Record* is that any matter brought before a lower Roman Cours is a matter for the public record when in fact it is presumed by the members of the private Bar Guild that the matter is a private Bar Guild business matter. Unless openly rebuked and rejected by stating clearly the matter is to be on the Public Record, the matter remains a private Bar Guild matter completely under private Bar Guild rules; and

(ii) *The Presumption of Public Service* is that all the members of the Private Bar Guild who have all sworn a solemn secret absolute oath to their Guild then act as public agents of the Government, or "public officials" by making additional oaths of public office that openly and deliberately contradict their private "superior" oaths to their own Guild. Unless openly rebuked and rejected, the claim stands that these private Bar Guild members are legitimate public servants and therefore trustees under public oath; and

(iii) The *Presumption of Public Oath* is that all members of the Private Bar Guild acting in the capacity of "public officials" who have sworn a solemn public oath remain bound by that oath and therefore bound to serve honestly, impartialty and fairly as dictated by their oath. Unless openly challenged and demanded, the presumption stands that the Private Bar Guild members have functioned under their public oath in contradiction to their Guild oath. If challenged, such individuals must recuse themselves as having a conflict of interest and cannot possibly stand under a public oath; and

(iv) The *Presumption of Immunity* is that key members of the Private Bar Guild in the capacity of "public officials" acting as judges, prosecutors and magistrates who have sworn a solemn public oath in good faith are immune from personal claims of injury and liability. Unless openly challenged and their oath demanded, the presumption stands that the members of the Private Bar Guild as public trustees acting as judges, prosecutors and magistrates are immune from any personal accountability for their actions; and

(v) The *Presumption of Summons* is that by custom a summons unrebutted stands and therefore one who attends Court is presumed to accept a position (defendant, juror, witness) and jurisdiction of the court. Attendance to court is usually invitation by summons. Unless the summons is rejected and returned, with a copy of the rejection filed prior to choosing to visit or attend, jurisdiction and position as the accused and the existence of "guilt" stands; and

(vi) The *Presumption of Custody* is that by custom a summons or warrant for arrest unrebutted stands and therefore one who attends Court is presumed to be a thing and therefore liable to be detained in custody by "Custodians". Custodians may only lawfully hold custody of property and "things" not flesh and blood soul possessing beings. Unless this presumption is openly challenged by rejection of summons and/or at court, the presumption stands you are a thing and property and therefore lawfully able to be kept in custody by custodians; and

(vii) The *Presumption of Court of Guardians* is the presumption that as you may be listed as a "resident" of a ward of a local government area and have listed on your "passport" the letter P, you are a pauper and therefore under the "Guardian" powers of the government and its agents as a "Court of Guardians". Unless this presumption is openly challenged to demonstrate you are both a general guardian and general executor of the matter (trust) before the court, the presumption stands and you are by default a pauper, and lunatic and therefore must obey the rules of the clerk of guardians (clerk of magistrates court);

(viii) The *Presumption of Court of Trustees* is that members of the Private Bar Guild presume you accept the office of trustee as a "public servant" and "government employee" just by attending a Roman Court, as such Courts are always for public trustees by the rules of the Guild and the Roman System. Unless this presumption is openly challenged to state you are merely visiting by "invitation" to clear up the matter and you are not a government

employee or public trustee in this instance, the presumption stands and is assumed as one of the most significant reasons to claim jurisdiction - simply because you "appeared"; and

(ix) The *Presumption of Government acting in two roles as Executor and Beneficiary* is that for the matter at hand, the Private Bar Guild appoint the judge/magistrate in the capacity of Executor while the Prosecutor acts in the capacity of Beneficiary of the trust for the current matter. Unless this presumption is openly challenged to demonstrate you are both a general guardian and general executor of the matter (trust) before the court, the presumption stands and you are by default the trustee, therefore must obey the rules of the executor (judge/magistrate); and

(x) The *Presumption of Executor De Son Tort* is the presumption that if the accused does seek to assert their right as Executor and Beneficiary over their body, mind and soul they are acting as an Executor De Son Tort or a "false executor" challenging the "rightful" judge as Executor. Therefore, the judge/magistrate assumes the role of "true" executor and has the right to have you arrested, detained, fined or forced into a psychiatric evaluation. Unless this presumption is openly challenged by not only asserting one's position as Executor as well as questioning if the judge or magistrate is seeking to act as Executor De Son Tort, the presumption stands and a judge or magistrate of the private Bar guild may seek to assistance of bailiffs or sheriffs to assert their false claim; and

(xi) The *Presumption of Incompetence* is the presumption that you are at least ignorant of the law, therefore incompetent to present yourself and argue properly. Therefore, the judge/magistrate as executor has the right to have you arrested, detained, fined or forced into a psychiatric evaluation. Unless this presumption is openly challenged to the fact that you know your position as executor and beneficiary and actively rebuke and object to any contrary presumptions, then it stands by the time of pleading that you are incompetent then the judge or magistrate can do what they need to keep you obedient; and

(xii) The *Presumption of Guilt* is the presumption that as it is presumed to be a private business meeting of the Bar Guild, you are guilty whether you plead "guilty", do not plead or plead "not guilty". Therefore unless you either have previously prepared an affadavit of truth and motion to dismiss with extreme prejudice onto the public record or call a demurrer, then the presumption is you are guilty and the private Bar Guild can hold you until a bond is prepared to guarantee the amount the guild wants to profit from you.

see original source for this article at: http://avalon.law.yale.edu/18th_century/paris.asp

What is the Rule of Law?

legal54: August 28, 2011 12:16 AM, Posted and Edited by Patrice Livingston

The rule of law is fundamental to the western democratic order. Aristotle said more than two thousand years ago, "The rule of law is better than that of any individual." Lord Chief Justice Coke quoting Bracton said in the case of Proclamations (1610) 77 ER 1352

> "The King himself ought not to be subject to man, but subject to God and the law, because the law makes him King".

The rule of law in its modern sense owes a great deal to the late Professor AV Dicey. Professor Dicey's writings about the rule of law are of enduring significance.

The essential characteristic of the rule of law are:

1. The supremacy of law, which means that all persons (individuals and government) are subject to law.
2. A concept of justice which emphasises interpersonal adjudication, law based on standards and the importance of procedures.
3. Restrictions on the exercise of discretionary power.
4. The doctrine of judicial precedent.
5. The common law methodology.
6. Legislation should be prospective and not retrospective.
7. An independent judiciary.
8. The exercise by Parliament of the legislative power and restrictions on exercise of legislative power by the executive.
9. An underlying moral basis for all law.

Rhode Island Family Court Issues

policy4: August 8, 2011 5:11 PM, Posted and Edited by Patrice Livingston

If the Berlin Wall can come down 40 years after it was put up - so too can the oppressive walls of a lawless family court which harms our communities in RI.

Introduction

This report aims to provide some initial legislative findings for review by the RI General Assembly in order to motivate fiduciary, performance, and judicial reasons to abolish the RI Family Court. It no longer serves the best interests of our citizens, families and children. As surely as we had to finally admit the rusting down, dangerous, and limited carrying capacity of the old Jamestown bridge over a decade ago, we must recognize the limitations of our current Family Court processes, programs and procedures as no longer safe or fiscally prudent to be relied on to carry us from here to there across troubled waters. When families need to restructure from one configuration of family composition to another, based on health, jobs, needs of the children, education, economy, or even duress, illness or death of the parents ~ they need to be able to do so swiftly, safely, effectively and efficiently. New compositions, living arrangements, flexible schedules, job, work, school or housing/rental agreements, open visitation, extended family, community engagement and civil rights all must be taken into consideration when solutions are put forth.

Even technology can be used in a positive way to help children remain connected with skype, picture sharing, email, or cell phones, if a geographic separation occurs. The military has made great strides in keeping deployed service members connected to friends and family back home, and it has proven benefits for the morale, health and welfare of all parties. Global business concerns also recognize the need for integrating family connections while demanding international travel of its employees. All sorts of additional benefits and options are made available to bridge that work/life balance. Community centers can do likewise without government intrusion into privacy. We have a very diverse citizenship, a mobile workforce, a flexibility of educational opportunities and many options for children and families to participate in their communities without the need for the court to run peoples' lives. We certainly do not need mandatory programs which cost time and money for the participants, or cause the taxpayer to fund more protracted litigation or harmful practices that abuse privacy, parental rights, and constitutional protections. Many of these ineffective unaudited programs soak money out of struggling people. The state loses track of child support payments while it collects the interest, only to bloat the system with more administrative overhead for programs which harm.

This report highlights the international context of women's justice as one global context for judicial reform which has very local impact. This collection of findings also details the failing national $4 Billion dollar portion of the nearly $80 Billion HHS ACF budget that our nation then imposes as collateral mandates on the states to accept federal control or care of state citizens (*and which usurps state sovereignty)*. These findings reveal how our very own state has responded via a bloated judiciary that now routinely funds health care research and nonprofit administration, contracts private professionals and unregulated auxiliaries without ethical or disciplinary oversight on these individuals (and also neither fiduciary or performance measures). This has given judicial accountability over to county administrators who run the bench and outcomes for families based on money motivators through the OCSE unearned authority over people's lives. APRA requests reveal some questionable contract activity which leads to more inquiry.

All of this has led to millions in *unaccounted-for* state funding as washed through the Family Court giving rise to

serious questions of corruption of the public trust. We need to eliminate the Family Court and push our judiciary to uphold civil laws and criminal laws in just those two very streamlined judicial processes. There are now so many specialty courts, seams and cracks in the judicial system for people, kids and families to fall between, a member of the public cannot even get an organization chart on whom to go to, and for what help, or in which government building as the social services are increasingly being run by the courts, or the counties, or nonprofits out of court budgets as a pass through, or worse, via law enforcement agencies. If a person asks a government worker or clerk, that individual will only be yielded the standard company line: *we don't dispense legal advice*.

The only way to stem the tide of crack formation where one court does not know what the other is doing, as the families fall in between competing directives or funneled into needless (court funded) services and programs ~ *is to seal those cracks*. The courts now do many administrative activities so the judiciary sustains reporting and thus retains its operations funding - often fraudulently. This leads to families and people trapped in services, emotionally defeated and unable to work. They are coerced into mandatory programs without being told of their rights. If we want seamless operations - we must get rid of the seams. If we want judicial accountability, then we must give the bench decision back to the good judges we have nominated who will preserve due process and civil rights; not order needless rights-violating programs that invade privacy or coerce health care without informed consent. Or take our children in abject violation of constitutionally protected rights. There should be no attorney or judicial immunity for such egregious violations.

The laws of this state are the peoples creed. They comprise the statutes which represent how we want to live our lives, promote good and healthy living, have reliable roads or clean water, education systems and jobs in our communities. They also spell out what we find collectively unacceptable and punishable for working against the common good, known as crimes or civil offenses. These crimes have penalties or the civil violations bring curtailments for behaviors and actions about how we all agree to live together as citizens. We expect the judiciary to uphold the laws (*not to give sway to administrative demands for support of dozens of propped up centers at the expense of the kids and families*).

Background and Context

see original source of quote below by:
Effie Ballou (c) as retrieved August 7, 2011 from
http://www.parentsinaction.net/english/Family_Court/History%20of%20Family%20Court.htm

"Although the precursor of family court was really child or juvenile court, the framers of family court probably could not have fathomed it would become a tribunal for every family related dispute as it exists today. The concept actually arose in the late nineteenth century when the first separate juvenile court was established in Chicago. Massachusetts, Rhode Island and Indiana, under the auspices of the "common law doctrine" also established a separate court to try children.

It is here where the seeds of parens patriae, or protection for children against themselves or their parents began. With the common law system, the law is made not by legislators but by the courts and the judges. It is often referred to as the "unwritten law." In substance, common law lies in the published court decisions. This offered judges within this system wide discretion to shape family law. By the 1960s, Family Court became firmly established and as Justice Potter Stewart stated in Parham v. J.R. (1979) "issues involving the family are the most difficult that the

courts have to face." Hence, it is no surprise that family law cases are some of the most disputable. Family cases actually placed state and federal regulations against disputes brought by fathers, mothers, husbands, wives and children. Consequently, some intricate legal doctrines have arisen trying to define the responsibilities of the family. Ironically, these same doctrines have been controversial and given way to deep disagreements.

Under nineteenth century federalism, the states had primary responsibility for family laws, including marriage, divorce, childrearing and inheritance. For example, in Maynard v. Hill 125 US. 190, (1888), the Supreme Court stated that the state had jurisdiction over the family endorsing state regulation of the family.

In the 20th century, states continued to control the structure of family life by releasing national family law standards universally applied from state to state. The first federal judicial involvement began under the guise of parental rights in Myer v. Nebraska, 262 US.390, (1923) which affirmed the right of parents to choose a curriculum. This was further affirmed when Pierce v. Society of Sisters 268 US. 510, (1925). The Supreme Court upheld the right of a parent to direct his or her child's education endorsing parental authority as absolute and constitutionally protected in choosing which school was appropriate for their child. Prince v. Mass, 321 US. 158, (1944) broadened this ruling by declaring that family life could not be disturbed by intervention of the state without substantial justification. The Supreme Court granted autonomy from state regulations by liberties granted under the Fourteenth Amendment. By the 1960s, the family fell under more court scrutiny and spurred the creation of more extensive family law. Other issues came to light when Loving v. Virginia, 388 US. 1, (1967) involved an interracial couple that got married in D.C., under D.C., marital laws who then moved back to Virginia. They were held accountable for violating Virginia's interracial marriage ban. Still, more issues came to light with the introduction of no fault divorce in the 70s. Laws in almost every state now changed so that divorce could be obtained without having to find adultery as grounds. It also began an equal division of assets. The tender years doctrine was abandoned and the current trend is for courts not to show deference to mothers in custody disputes.

In re Gault, 387 US 1 (1967) expanded the right of juveniles in the court setting with due process and right to counsel incorporating many, but not all of the rights of adult criminals under the Fourteenth Amendment. Ironically, forty years later, Family Court while affording the notion of individualism has intervened even further into mediating disputes within the family court. Enforcing parental rights over grandparent rights in Troxille v. Granville (99-138), 530 US 57 (2000). Another seeming paradox is in DeShaney v. Winnebago Department of Social Services when her four year old son was left profoundly retarded by repeated beatings of his father, even though social services was aware of the beatings from complaints placed from the father's former girlfriend and the boy's mother. The court found that nothing in the language of due process clause requires the state to protect the life, liberty and property of its citizens against private actors. Again, we come to another case, which seems to contradict this ruling. In Raucci v. Town of Rotterdam, 902 F.2d, 1050 (1990), Mrs. Raucci was receiving threats to her life from her ex-husband. Although at least 10 calls were placed to the local police department, they were largely ignored. The boy's father ended up killing him and wounding the mother when he shot them when they were sitting in their car. Mrs. Raucci was allowed to sue the police for damages.

Termination of parental rights, enactment of child support standards, parental kidnapping charges over the court's inability to allow the child, whom they gave due process rights to in Parham v. J. R., to voice in being abused by another parent. This we have seen with the Nathan Greico tragedy and with Alana Krause who claims her father had her committed in order to keep her quiet and is currently seeking justice. With Clinton's fatherhood initiative

sanctioned in 1995, he stated that every area of social study should include fathers. This has also been seen in family courts venues as more custody disputes being challenged. Family court's venue only can become more complicated as families struggle. Judges still retain wide discretion. Due process rights have drawn more attention since parents can be accused of felony child neglect or abuse but not afforded a jury trial. Ex parte hearings can be held and clear and convincing evidence is used in place of beyond a reasonable doubt. Finally, hearsay is allowed during hearings in Family Court and not in any other court room.

In the last two decades, the family dysfunction continues to present itself before the Family Court. Social Science's rapid growth continues to be a main influence into family doctrine standards. In the last two decades, family problems have fed the self-interested for-profit industries of psychologists, psychiatrists, expert witness, social workers, doctors and all other industries who see the family dysfunction as a boon market for profit.

Presently, the court holds the power to make and shape the law through "unwritten" law, adjudicate any violations of the law they shape and finally, penalize the offenders of these laws. It is no wonder that many families feel violated and raped of justice and due process rights by the control and decisions made by Family Court judges. In divorce and custody cases, the open ended system of Family Court can place a family at the hands of family court indefinitely whenever one party decides to motion for change of support, custody or visitation. It will be inevitable that the continued hold and lack of a watchdog upon the Family Court System decries change."

References:
Rubington & Weinberg, The Study of Social Problems, 2003. Oxford University Press Hall, K. L., Oxford Companion to the Supreme Court, 1992 http://www.kylewood.com

As the history section above explains, the original idea might have been to expedite and help families and to offload a portion of the regular civil calendar. However, the federal government has imposed congressional missions into directives on the states and year over year, the states have had to respond by allowing a lawless Family Court to run the common law household. In so doing, the state Family Court system has ballooned into an administrative clearinghouse for a wide variety of health and human services programs. The court makes participation "court-ordered" and implements these mandatory programs via an abuse of "discretion".

When a cursory budget review is done, it suggests that the judiciary has become the "executive administrator" over HHS programs and federal money which is 100 times the allocation given to the administration of the Judiciary (*$6 million of federal funds goes for the paperwork machinery of the judges "ordering" people to participate in over $600 million in federally funded various health and human services* - without any public awareness of what MANDATES come along with either the administrative control or the implementation of all these federal programs). Over time, this has usurped judicial authority away from actual domestic relations law, as a very specialized portion of civil law, and even less so in criminal law where true physical or sexual abuse activities carry criminal penalties (*most research puts that at less than 5% of the cases, even though its a critical 5% deserving of special attention in the criminal courts - where it currently is not dealt with appropriately all while Family Court has such the lawless discretion)*. It has turned into a machinery of unchecked pork programs, no real durable procedures and so results in wide spread abuses (legal, medical, fiscal, and constitutional).

From there, all sorts of problems between the health care field and the legal field now clash violently in the Do-No-Harm versus the Take-No-Prisoners paradigm war leaving children and families as carnage in the battle. The worst offenses have come about when lawyers manipulate doctors to secure judicial outcomes from the bench.

Clinicians must recognize the dangers when officers of the court reach out to them (against ethics, privacy, statutes and sometimes unlawfully; often breaching confidentiality along the way). Lawyers are hired to zealously represent their clients, no matter who gets hurt. Health care professionals who are trained to first "do no harm" are easy prey for adversarial attorneys, and children suffer the consequences alongside good and struggling parents who have no idea they have been funneled into these mandatory programs. This is all done just so the court can report to the federal government (*and not really make any pragmatic or durable rulings and orders which would actually help families or uphold the laws*). Below is just an abbreviated list (from a very large list of unchecked federal programs) that the federal government insists the states must participate in - otherwise _____? Otherwise what?

What makes these programs "mandatory" has been difficult to discover. We need to fill in that blank. What happens if the state of Rhode Island does NOT participate? By what law, or memorandum of agreement between the State of Rhode Island and the ACF (Administration of Children and Families) are we dictated upon to coerce our citizens to participate in these programs? Such an answer to this question is not readily available or obvious. However, it must exist somewhere, either between the legislators and the federal government or the treasurer or the governor or some executive authority in relation to various departments in the federal government. Also, said agreements should be made publicly available under APRA (RI's Access to Public Records Act) and FOIA (the US Freedom of Information Act) and yet they are never named out so that we can request them. The answer to this question bears deep scrutiny by the RI General Assembly going forward. Here's a small example of some of the programs in which we participate (or so it seems in reverse engineering the appropriate against the federal government clearinghouse):

Rhode Island - FEDERAL GOVT ACF MANDATORY PROGRAMS - No Accounting MAPS the federal program title on the left to RI budget items in appropriations bill. Where does the money actually FLOW?

- Payments to States for Child Support Enforcement and Family Support Programs > $8M
- Children's Research and Technical Assistance >$?? large amount spread out in budget
- Temporary Assistance for Needy Families (TANF) >$not clear in RI budget
- Foster Care and Permanency >$50 M
- Supporting Healthy Families and Adolescent Development >$ not clear
- Social Services Block Grant (Wide open...) - >$ scattered all over RI budget

There are many other programs, grants and federal money flowing through the state in the form of VAWA initiatives and other programs that come through the Department of Justice. The problems continue to mount as the lines blur between Health and Human Services, and our Justice System. It is up to the state to make clear distinctions about what is judicial, and what is legislative care of our most vulnerable citizens with regard to quality of life, special needs, ability to live independently for the disabled, the elderly, the injured, the displaced, the ill and other dependent categories of citizens who need the help of the humane and general collective. Do we really need 25 decision makers and paper pushers for every one litigant that seeks some kind of legal restructure, of one type or another in our Family Court? Do we even need the Family Court any longer?

We need to get psychologists out of the courts: period. However we do need to get ethical and lawful accountability *in to* those licensed professions and for those who provide medical, mental or other social services care of our public in the public service sector. Our system is in danger when health professionals are delegated with judicial authority over peoples lives and yet there is no disciplinary measure to be had for ethical or legal breaches when such contractors are not covered by our laws. This is true whether they are private contractors, one of the long list of DCYF state employees, attorneys serving in conflict of interest roles as GALs or mediators, or nonprofit centers with attorneys

and judges on their boards of directors. We have no specialty license for family law for any of these professions and no accountability. Disciplinary complaints disappear or are not taken seriously. Or, if the motions of "investigations" are gone through with hand waving and letter writing, the letter almost always come back: *no problem found* [while the investigation never includes any interview, deposition or amplifying data - by the complainant].

The STOP formula grants need to be assessed against RI Judicial programs and grants for duplicity, authority, or fungible services that our communities might provide at the grassroots level where people know one another and can do the most good. After all, it is people who provide the human touch of family and friends, neighbors, civic and faith based organizations; all helping one another. The encroaching administrative oversight by both law enforcement and the judiciary on health and human services that our state funds for its citizens is a very alarming issue that must be reversed - and in turn should save the state money as well as restore the public trust in those specialties. People should not live in fear that a county official, accompanied by an officer, will come to their house and take one's children, because of an anonymous call to a lawless system which has fabricated a potential harm. The fiscal motivations to put the child in foster care, and the parent in jail or in supervised visitation, both of which also threatens their work situation, is much too high when all these government agencies have become trained, and complacent, about *that's how we do things, in order to report to the government that we meet the "mandates".*

And then we are asked to recall the holocaust ~ and how the ditch diggers and train conductors also said... they were only "doing their jobs".

A few 2012 Rhode Island Appropriations Highlights

The RI budget document shows a $20.8 million budget for the RI Family Court ($17.5 of it for general revenue and $2.9 from federal funds - page 23). The State police have a $69 million budget with $2.3 million of it in federal funds (page 25). Just those two items alone comprise $5 million that should be audited and either consolidated or refused, if the form of mandates are not what the State of Rhode Island intends to accept as control over the lives of its citizens. Meanwhile we list a $301 million budget on State Funded Programs for public assistance ($299 of which is from the federal government). Plus another $100 million in Individual and Family support from the federal government (over top our $22 million in general revenue - page 14) along with $6 million for federally funded child support enforcement. The state funds $2.2 million to administer, staff and run CSE. The OCSE $6 million federal budget which plays games with the money, and usurps authority from the judges, and harms families through its policy of withholding, is harmful to the economic viability of our state. Ironically under child welfare the state spends over $19 million on protective services ($10 million from general revenues and $9 million from federal programs) and just a mere $1.4 total on prevention. Are the priorities ever evaluated? We spend $8 million chasing child support payments and over $600 million on public assistance.

Does the $8 million or $22 million (depending upon what's being counted) even make sense - when it could be used for job stimulus to get people off public assistance? There is plenty of work to do in rebuilding Rhode Island besides sending administrators with badges to hunt down struggling parents. If they are not paying because they are ill, or have substance abuse problems, cannot find work, are uneducated, or need some sort of help - lets add the $8 million to the IFS budget instead of the CSE budget and help people (not hunt them down just to take our 1/3 cut and give 2/3 of the proceeds we get back to the feds - *yes,* that is the mandate).

In 2006 the DOJ issued over $2M in grants to Rhode island and most of it went to the STOP formula. This is the same year that the RI Bar Association ran continuing education courses in PAS (parental alienation syndrome) as a wining legal strategy to get psychologists to help them secure custody for their clients. Children began to be invalidated in

their own testimony, preferences and even special needs. More importantly, there is an uptick over the five years which follow from 2006 to now 2011 where good and nurturing parents have completely lost their children, supervised visitation has become a way of life for some families, and attorneys have learned that the judges are in the habit and practice of accepting false allegations (especially of PAS).

Once an attorney has alarmed a judge to this, the targeted parent is pathologized, criminalized, and the children are sent for "deprogramming therapy" by the play-along therapists who curry favor for the rolling referrals (*and lucrative fees and insurance billings which accompany such protracted litigation*). Once the children are put into deprogramming therapy and the nurturing parent supervised, the players report their numbers and the court garners more funding - showing such an increased trend of "needy high conflict families". That makes these attorneys good team players in the eyes of the judges, because the judges (*in their administrative roles*) are pressured to look good in their numbers. Ergo, the judges continue to reward the repeat appearances of those lawyers who help the numbers, in a very biased way. It pretty much amounts to custody rigging.

The DOJ funding level was $2M for 2006, 2007, 2008 and then all of a sudden doubles to $4M in 2009 (*the contracts are for three year periods - as was discovered*). With the increased funding, the court's decision show an uptick in wrongful imprisonment, more pressing by attorneys for criminal sanctions of "wayward parents" who don't stick to the letter of unlawful orders, and law enforcement is increasingly used as a bullying tactic to intimidate protective parents or traumatized parents who cannot figure out what is happening to them in this lawless Family Court system.

2011-2012 US DHSS TANF Budget

The $4 Billion budget for TANF (Temporary Aid to Needy Families) comprises just one quarter of the two percent of the nearly $890 billion in the DHHS - Administration for Children and Families (ACF). So while this report is looking at just this palpable slice of funding without any oversight, accountability or performance measures, the RI General Assembly should be aware it is only one slice of a very large pie that Rhode Island participates in, while being victimized as a small state with no fiduciary or performance oversight by the federal government - or our own.

The Temporary Aid for Needy Families (TANF) budget is the subject of scrutiny in a later chapter of this report as well as in the 75-page detailed powerpoint presentation by Cobblestone Strategies /F4J to many of our US Congressional offices. Rhode Island needs to extricate from the complex legal, fiduciary and performance complexities of this program and find a way to take care of its own citizens. As a small example from many all over the appropriations bill, the $2 million of federal money at the state police and the $3 million in federal programs of Family Court can be offset in the budget by closing down the Family Court and its $17 million of general revenue budget. Then, reapportion a part of it to supplement the new bridges to community justice (as a RI Judicial Reform Project) in our superior and district courts along clear lines of due process, written procedures and judicial accountability *(and get rid of the abuse of discretion delegated to psychologists and attorneys or other auxiliaries to run peoples lives, using judges to write the orders)*. There are plenty of other places to offset funding as well if the "mandatory programs" are truly audited about what is going on. All these contractors to run all these <unnecessary> federally mandated programs - also burden our budget.

2011-2012 UN Report of Women's Justice

The United Nations came out with a report on *the Progress of the World's Women*. "It outlines ten recommendations

to make justice systems work for women. They are proven and achievable and, if implemented they hold enormous potential to increase women's access to justice and advance gender equality. Although equality between women and men is guaranteed in the Constitutions of 139 countries and territories, inadequate laws and implementation gaps make these guarantees hollow promises, having little impact on the day-to-day lives of women. In many contexts, in rich and poor countries alike, the infrastructure of justice - the police, the courts and the judiciary -is failing women, which manifests itself in poor services and hostile attitudes from the very people whose duty it it to meet women's rights." (see the EN-Executive Summary here in @1)

The report shows that "... well-functioning legal and justice systems can be a vital mechanism for women to achieve their rights. They can shape society by providing accountability, by stopping the abuse of power and by creating new norms. The courts have been a critical site of accountability for individual women to claim rights and to set legal precedents that have benefitted millions of others. This report highlights the ways in which governments and civil society are working together to reform laws and create new models for justice service delivery that meet women's needs. It demonstrates how they have risen to the challenge of ensuring that women can access justice in the most challenging of situations, including in the context of legal pluralism and during and after conflict."

The full 168-page report is here in @2.

Conclusions

Earlier this past year, California published the results of its audits on two counties in the state Superior (Family) Court system (see rifoja24: 2011 California Audit Report). The federal drivers which run a large state like California are the same ones that drive our small and struggling state of Rhode Island. That 112-page audit report is here in @4. They find performance failings, abuses of children and families, fiduciary malfeasance, and all sorts of due process violations and activities which harm individuals and families. The State of Rhode Island can expend time and money and drag out a similar audit process, or we can leverage the insight California so willingly provided to the rest of the nation about these mandatory programs and the way in which they fail our communities. Most recently, in July 2011, San Francisco judges have taken a bold administrative step to shut down 25 courts (see: rifoja15: San Francisco to close 25 courtrooms, layoff 200)

The State of Rhode Island does not need the federal government to tell us how to take care of our people. We can say *no* to the bloated DHHS pork barrel, and *no* to the collateral mandates, and stand out in Washington DC as a state that refuses to be a part of the national problem. We must find ways to save our own state some taxpayer money and put people back to work. Some state has to be the first to say "no thank you - we can take care of our own" and pave the way. Any good reform starts with one who will stand, and then others will follow. We should be small enough, agile enough, and smart enough to trim the fat and put all our bright minds who have no work onto the problem of creating process maps, performing audits, posting the public contracts on the web, running judicial accountability retreats, putting our government on furlough and fixing the problem. It can be done. Just like the Department of Transportation had to route traffic around the construction and open the new Washington Bridge, through a great deal of very public communication, we need to route litigants with clear signs, lots of communication, public announcements, web postings, town hall meetings, and a clarion call from our leadership about why we are doing it, what the vision is, how it will better serves us and that it will save taxpayer money. We need a list of unemployed information technology specialists, business mangers with process mapping experience, accountants and technicians who can go in and analyze the whole thing. Reapportion the staff, eliminate redundancies, list all the contracts and put a call out to community and faith based organizations who might be able to provide those services on a volunteer

or reduced fee basis as needed and not funded by the state or federal government ~ just private donations or per their own budgets, mission or charter. We have so many untapped talented individuals who can solve these problems, yet we spend millions oppressing people out of their homes, jobs, their families, and their money. We have more than unfunded pension liabilities facing us. We have the human toll of a pervasive futility when we live in a society that is unjust, unfair, or unaccountable - and which shows no measure of transparency or honesty or civility. This will only lead to civil unrest and eventually to a form of vigilante justice that will be a far harder outcome to recover from - then a deliberate closure of the Family Court System and all its harmful practices will bring.

Cross References:

references (2)

rifoja24: 2011 California Audit Report

rifoja15: San Francisco to close 25 courtrooms, layoff 200

Attachments:

1. 2011-2012EN-ExecSummary-Progress-of-the-Worlds-Women1.pdf (423 KB)
2. 2011-2012-EN-FullReport-Progress.pdf (9.6 MB)
3. 890BIllionBudget.png (49.7 KB)
4. 2011 California Audito Reports Superior Courts.pdf (1.6 MB)

New Canaan resident sues state officials

policy39: September 14, 2011 2:08 PM, Posted by Patrice Livingston

Posted on 19 August 2011. Tags: 4th ammendment, allegations, amazing, civil rights, Corruption, CT, ct dcf, DCF, rights

New Canaan resident sues state officials.

New Canaan resident Michael Nowacki has sued a myriad of state officials for an alleged failure to uphold the U.S. and state constitution.

In his suit, Nowacki names governors Dannel Malloy and Jodi Rell, several of Malloy's advisors, seven state legislators, including local senators Scott Frantz and Toni Boucher and representative William Tong, and dozens of judges, lawyers, and other people associated with Connecticut's legal system.

Click here to download a copy of the complaint. (pdf, 104 pages)

Nowacki, who is representing himself, alleged in his suit that he has been "deprived of his lawful Constitutional rights ... as a parent to the love and devotion of his two children in court proceedings" in 2009. He argues that the defendants acted "outside of their authorized judicial authority" and every court operates under mutually-agreed-upon rules of practice, which he says are unconstitutional. Because of this, Nowacki argues that any jurist who supports the rules of practice is violating the constitution, and therefore "there is no court in the state of Connecticut."

According to the documents, Nowacki filed the suit because a court stripped him of his custody rights after he was divorced. He says that the court's action was invalid and violated his parental rights.

The lawsuit was filed on Monday, August 8, in U.S. District Court of Connecticut. Judge Stefan Underhill is presiding.

downloaded source 14 Sept 2011 from: http://www.corruptct.com/corrupt/new-canaan-resident-sues-state-officials/

2011-12 TANF Funding Report to Congress

cs2: August 2, 2011 10:04 PM, Posted and Edited by Patrice Livingston

Introduction

In a difficult economy, state and federal agencies tighten funding and tax payers are asked to pay more and also sustain cuts in vital services to schools, neighborhoods, community clinics, etc. Parents struggle with jobs, food, clothing shelter, childcare and access to medical care. Yet, Americans are forced to collectively invest $4 Billion in the very irresponsibly run TANF (Temporary Assistance to Needy Families) programs which promote fraud, lack accountability, and protract high conflict litigation or bogus interventions in lower courts throughout the 50 states. Good parents are exploited, economically impoverished and emotionally traumatized while their kids are placed in supervision, put on welfare, medicated in foster care system and outright taken from them on trumped up charges which allow the state to usurp custody and war against the constitution.

Federal Drivers that must be Eliminated:

- funding to ACF child support incentives, and gender based funding to child support agencies
- AV programs based on psychological evaluations and false charges
- state and federal employees who have conflicts of interest or bias within the unaudited OCSE program
- federal control of state sovereignty for the care of its citizens

OCSE programs require the courts to accept funding mandates that usurp judicial authority and unlawfully allow administrators the ability to establish, modify or enforce court orders out of jurisdiction. When the Title IV-D child support agency is involved in a case, the attorney represents the interests of the county to collect money for the county. They do not represent the family. For every dollar of child support collected, the federal government rewards a state with two dollars. This motivates the county to prosecute parents and to take their property. Only parents have the constitutionally protected right to represent the legal interests of their children. So when the county takes the property from a child's parent, this makes the county (or the state) an adversary of the child - and not at all an entity working in the best interests of a child, as it is so often claimed.

OCSE has no interest in, nor are they required to, provide parents any due process protections. Courts have incentives to ignore ramifications of such abuses of due process while OCSE administrative orders come with criminal penalties. The revocation and seizure of property along with the loss of liberty on a noncustodial parent, without notice or approval from the custodial parent or even the court, is unlawful and unethical. OCSE staff don't even bother to get on the court's docket, review the court file or speak to the judge. Also, the disclosure of the separate OCSE file to the parents is not required, even as compliance and enforcement of the contents of that file and its unlawful orders are mandated on the individual. Such compliance actions are exclusively determined via abuse of discretion by OCSE.

These programs lack meaningful performance measures and accountability standards. As a result, it has led to massive and wide spread fraud and extortion of parents through the child support system and the family courts. The HHS Inspector General report shows that instead of distributing the child support to the children, states held the funds and collected interest. Then they deliberately failed to properly account for or disburse the money, causing frustration and the appearance of false compliance to the custodial parent and to the family court whom the custodian tries to get help of a sort which never arrives.

Furthermore, when funds are collected by the state and computer or other glitches and delays make it so the recipient

is not located within three years the funds are considered "undistributable". Many loose accounting practices make it easy to move money around to expired location dates in order to reap the 2/3 and 1/3 division of money between the federal government and the state to use as they please. This gives rise to a vested pecuniary interest which maintains a deliberate "set up to fail" system as there is no real track of the money. Instead of fixing the problem, the OIG just stopped auditing the states and privatized the industry. The HHS Inspector General Report demonstrates that the states deliberately withheld over $150 Million of paid child support from children between 1998-2007 and the problem has grown worse.

A 2005 OIG audit of the Massachusetts undisbursable funds revealed that $5M of it was actually being held by the state pending resolution of family court litigation. While litigation drags out, the state collects interest on the held funds. If they get litigation past the three years, the money goes to the state and the parents are put on welfare which helped the state to justify more TANF funding from the federal government. Tax payer intercept programs in some states were rigged to deprive the child's custodial home of the child tax benefits. Instead the tax benefit is given to the nonpaying noncustodial parent so it could be garnished and then sent back to the state as part of the so-called "compromise of arrears".

For every three dollars spent on paternity establishment, court orders, modification and child support enforcement, the local agency only pays one and the federal government pays two. Also, private collection agencies charge a fee to the custodial parent upwards of 35% and the employees are not bonded. Agencies like Maximus and Support for Kids have been widely criticized for hiring convicted felons who steal from clients and use the social security numbers to illegally collect benefits.

Federally Funded Fraud

In 2002, a NJ Medicaid fraud ring run by eight Maximus employees was busted as they were caught having fraudulently enrolled themselves to siphon money out of Medicaid. Maximus Inc has been awarded $684M in government contracts and $226M of it is with HHS. In 2007, the DOJ settled $42M in phony Medicaid bills via the Washington DC foster care system with Virginia based Maximus because 78% of their billing claims between 1999-2005 were found to be fraudulent. When it was resolved, DC awarded Maximus another $1.9 million contract.

In 2007, Maximus paid $6.2 million to the State of CT in connection with claims which alleged enrollees were ineligible for public medical programs. In 2008, Maximus agreed to pay the Texas Health and Human Services Commission $40 million to settle breach of contract claims. In 2010 an audit performed by the HHS Inspector General's Office revealed that Maximus had double billed the state of New Jersey and failed to report income which totaled over $9.6 million.

In 2010 the State of Illinois barred Maximum CEO David Goclowsi frmo doing business in the state when it was discovered he was Loan Brokering without a license. From 1994 until Dr Anthony' Laine's death in 2010, he alleged that Maximus employees created phony child support orders for fabricated children from a court that does not exist in the fictitious town of Maricopa, Tenneessee. The mother of his children had never filed for child support, nor did she receive the money. Instead, Maximus used these orders to stalk, harass, and garnish all his wages and repeatedly jail Dr. Laine.

In 2004 a Maximus employee in Hawaii pleaded guilty to embezzlement, forged client endorsements and having deposited the checks into a bank account for her own personal benefit. After that contract was revoked, Maximus received a $400 million contract to oversee New York's $45 Billion Medicaid program. In 2011, Wisconsin awarded

Maximus a $21 million contract for its Title IV-E adoption programs.

In 2009, the US Post Office barred the private corporation Child Support Services of Atlanta from utilizing its services when it discovered that workers posed as government agents to dupe parents. They coerced them into child support payments, kept the money and refused to allow the parents to cancel their contracts. At the time, the company was doing business in 13 states under various names which included the words "child support". The US Post Office also barred a Florida based collection agency in response to consumer complaints that a private corporation called State of Georgia Child Support was posing as the state and extorting parents to make payments which were never disbursed to children with no accounting.

In 2009, the Texas Attorney General's office charged 13 child support service contractors involved in running a child support fraud ring which stole $18 million from Texas taxpayers and children.

In 2009, the Virginia Attorney General's office charged Texas based Support Kids Inc with funneling more than $800,000 Inc to itself instead of the State as required.

In 2009, the Washington State Office of Child Support Services was required to pay one father $23,000 in child support the agency garnished from him that he never owed.

Since its inception in March 2007, Medicare Fraud Strike Force operations in nine districts have charged 1,000 defendants that collectively have billed the Medicare program for more than $2.3 billion. In addition, HHS's Centers for Medicare and Medicaid Services, working in conjunction with the HHS-OIG, are taking steps to increase accountability and decrease the presence of fraudulent providers.

Miami resident Lawrence Duran, the owner of a mental health care company, American Therapeutic Corporation (ATC), was sentenced today to 50 years in prison for orchestrating a $205 million Medicare fraud scheme, announced the Department of Justice, the Department of Health and Human Services (HHS) and the FBIOn April 14, 2011, Duran and Valera pleaded guilty to all counts charged in a superseding indictment, which was unsealed on Feb. 15, 2011. "For years, Mr. Duran stole millions of taxpayer dollars by defrauding Medicare and preying upon vulnerable citizens suffering from Alzheimer's disease, dementia and substance abuse," said Assistant Attorney General Lanny A. Breuer of the Criminal Division. "Instead of providing patients with the treatment they needed, Mr. Duran and his co-conspirators used them as props to fill their fraudulent mental health centers. As a further insult, Mr. Duran created an organization to lobby Congress for additional funds to support the mental health services his fraud scheme purported to provide.

To learn more about the HEAT team, go to: www.stopmedicarefraud.gov.

Courts and Support Agencies Fuel Litigation

The courts and support agencies do not help expedite resolutions. Instead they use false claims of fatherhood involvement programs, or Access and Visitation (AV) grants to financially reward states who routinely give custody to the least fit parent or strip custody altogether of nurturing parents. These programs were established to foster increased child support payment and healthy involvement of fathers, and have instead evolved into the $4 Billion TANF funded family court litigation industry which thrives on bringing families to the brink of destruction.

The states need to break free from the tyrannical purpose of these programs which:

- creates a false need for federally funded litigation promotion programs
- recruits the middle class to join the TANF rolls and pay supervision fees, private contracts or be garnished
- requires the lower courts to increase their dockets to maintain their own funding and to do so by ignoring the real needs of the child and simply find in favor of the most profitable parent (which has many forms)

The programs falsely sensationalize images of family values, and evoke sentiments of helping those in need with diversity pictures all over their materials. Yet, the OCSE studies demonstrate that families are not the beneficiaries. The families are harmed by these compulsory and extortion based programs which fail to consider the safety, needs, and desires of the children or the parents (custodial, noncustodial, or joint custodians).

These corrupt programs conceal the fact that children are sometimes trafficked into the foster care system needlessly. Even worse, the IV-D commissioners have a direct conflict of interest because they fail to disclose to the parties that they are county employees and that the county is a party to the case. Unlike the judges who have judicial canons and an oath of office, the commissioners are administrators of the court. They have no transparency and no impartiality standards the way a judge does in a court of record. They are simply county or state employees who are free to communicate *ex parte* with the parties and any other state or municipal employee to run things as they wish.

In San Francisco the judges authorize program funds to themselves. The presiding judge and other court officers sit on the board of non profits which "serve" the courts which in turn then order litigants to use those services. The courts have liens on the nonprofits which are run by the courts. This means that some or all of the federal funds comes back to the court although it is wholly unaccounted for - and this is common practice around the nation.

In 2010, Court officials in Marin County, CA burned mediator files rather than comply with state audits that would disclose their federally funded practices. Many of these children were deliberately taken from good homes and placed with pedophiles, or in an abusive parent's care or even put into foster care. <u>These children now have no means of escape because the evidence which proves who harmed them, and how, is now gone.</u>

The lack of transparency and accountability has led to wide spread financial fraud and human rights violations. Since mothers receive custody 85-90% of the time, the federal government spends $4Billion per year on father focused, non-means tested programs which have no eligibility requirements and no accountability. Fathers are court ordered to enroll. An agency or court's abuse of discretion determination of "noncompliance" [e.g. the refusal to accept TANF assistance] has these fathers facing jail time and seizure of their assets. In order to continue to receive funding, these anti-child programs coercively require the courts and other agencies to revoke the mother's parental rights, and so also child support, in order to cede it to the state.

The effect of this mandate is that courts, child support agencies and nonprofits serving the courts engage in fraud and extortion to access the funds. Grant recipients are paid to reduce support payments to custodial mothers, then take custody from mothers via protracted coercive litigation. The programs are not intended to benefit the children whose needs are never considered. The state requires the parents to engage in endless extortion based court programs which destroy them emotionally and financially. These programs should not be confused with practitioners and communities which do help parents (often fathers and also children along with mothers). With the state run programs and conflict of interest agencies, every member of the family loses out as follows:

1) courts and child support agencies use "compromise of arrears" and child support incentive programs to extort fathers who owe child support. They are told that they can elect between (a) initiating federally funded custody battles or (b) face criminal penalties on their child support debts

2) Initially fathers seem to benefit because no matter how wealthy they are, they are enrolled in TANF programs which provide them with:

- free lawyers and court experts
- exclusive *ex parte* access to the judges and commissioners who preside over their cases
- housing, medical care, cash incentives

3) Compromise of arrears programs actually hurt fathers after they are enrolled because they cannot leave the "program", or stop litigating, or they risk criminal penalties which hang forever over them

The states get around the illegal use of ARRA funds and AV grants by using SIP (special improvement projects) grants. This allows the state to waive the laws which forbid this practice so that people like Jessica Pearson can turn the child support office in their state into an experimental laboratory to find ways to feed off the OCSE cash cow. see NCP report in @1 here

2006 Evaluation of Access and Visitation Programs - Participant Outcomes

Programs in three different state were selected fro each of the three major program types:

- mediation: Missouri, Rhode Island, and Utah
- parent education: Arizona, Colorado and New Jersey
- supervised visitation: California, Hawaii, and Pennsylvania

Please note that the views of the child and of the custodial parent are completely omitted from ALL of these studies. It is replete with shoddy record keeping and should scare every parent who is eliminated from their child's life by these bogus programs. As a result of these programs, many of the parents with 50/50 custody have their custody REVOKED for no valid reason, their timeshare goes to 0%, they are removed form the program rosters and then added back on as the NCP (noncustodial parent) and given a mere one hour a week or some 5% timeshare (10% when the state wants to show an increase). The only requirement of the states to receive AV grants is that they show the NCP has been given increased time. Usually, the mom is the one who loses custody because more TANF kickback incentives are available to fathers (and hence to the state) via these bogus programs.

It is fraudulent. There is no evidence to suggest that these statistics represent anything except millions of dollars in resources which should have gone to the child, and instead were diverted to extortion based TANF programs. The report states many increases. Many? Many what? NCPs or CPs? What was the rate of fit parents that were shut out of their child's life [*who now resides with the less fit parent stuck in high conflict litigation]* as a result of their inability to pay for the supervised visitation services they never needed in the first place? What about the child and the noncustodial parent who does manage to pay for supervised visits with no exit plan? Their lives are vastly deprived of resources, opportunities and happiness.

When they discuss 25% improvement in the parent cooperation that is very deceptive when it is considered that (1) the views of the custodial parent and child were not considered (b) 75% of the parents are not accounted for (c) 100% of these families experience severe loss of resources and trauma associated with expensive, protracted litigation that is a direct result of these programs at the start. Do the participants even know that they are enrolled in fatherhood programs? What did the moms and kids think given that the purpose of AV grants are to increase time with fathers and make mothers have supervised custody? These are parents who are not made aware of their rights and

responsibilities and who would likely benefit from a genuine mediator if the TANF program had not extorted them.

And then the report concludes that: *"Child Support agencies should refer NCPs to State Access and Visitation programs"*. Really? On what basis? Who benefits from such action besides the TANF racket? The states should pass local legislation that severs collateral support/custody mandates because spending time with your kids should be voluntary, decided as equitable in court, and not be tied to child support performance outcomes. See the Wisconsin report (p.23): *This one did absolutely nothing for noncustodial mothers except steal their children.*

The 2004 GOA Report on Child Support Enforcement details the fact that the States continued to deliberately engage in illegal "Undisbursable arrears" scams which deprived children of nearly $670 million per year, even after the prior GAO and IOG reports which exposed them and promised reform. Since the States' record keeping was so poor, the OCSE could not accurately track or determine amounts of arrears so were likely vastly under estimated. Since the federal government failed to set forth proper definitions of what constitute "undisbursed" collections, the States themselves were allowed to define to their own advantage how much of our children's money it would conceal in its coffers.

Federal law, some state policies, and inaccurate or missing information were the underlying causes of nearly all types of undistributed collections. State agencies determined how long they held collections from joint tax refunds and if they held collections received before they were due.

The States intercept parents tax refunds, then refuse to disburse it to the child until 180 days had passed:Federal law allow collections intercepted from joint tax refunds to be held for up to 180 days and in response to GAO's survey, 34 state agencies reported holding them for 180 days. Missing or inaccurate information, such as invalid addresses, also leads to undistributed collections. Based on state agencies' survey responses, GAO determined the median value of the undistributed collections from joint tax refunds was about $1.8 million and the median valued of four other types of undistributed collections exceeded $350,000.

OCSE made minimal efforts to help families received their tax refunds from the State sooner, than collected their 66% share on the interest:

OCSE has provided some assistance to help state agencies reduce their undistributed collections. However, the Department of the Treasury has not provided OCSE information that would allow state agencies to distribute collections from joint tax refunds to families sooner. OCSE makes false show of an effort.

This must explain how one person had the department of treasury sign off on the other parent's check for $200k to make it look like he paid the IRS. In fact, the check was deposited into an account labeled SFC. What a great way to use the federal government as a shell corporation to hide money from your family.

HHS REPORT: The Story Behind the Numbers FY 2007

In reference to the HHS short report here in @2, it reveals that in 2007, the dollar amount of "undistributable" arrears nearly doubled, yet the rate of collections also went up. Also, the percentage of the total amount of collections which represented "undistributable" arrears went down. This means they artificially inflate child support collection rates, keep the money for interest, then give it back when the family case is over. The report also shows that in 2007 they changed the law to make it so that states did not have to classify the money they are holding on account of family

law dispute resolution outcome as "undistributable".

This means that since the state gets a federal dollar for every two they collect, its easy to inflate the rolls by taking people on and off support, and keeping the custody cases open so they don't have to report. Between 2005-2007 the Office of the Inspector General audited the child support services programs of approximately 30 states who held back hundreds of millions of dollars in child support from the children. This money was virtually untraceable and largely unaccounted for. Undisbursable arrears occur when child support is collected and the payee cannot be found. In such an instance, the money is returned to the payor.

It is OCSE policy that when undistributed arrears were discovered, the OIG ordered the States to give 66% to the federal OCSE office and allowed the state to keep the remaining 34% for the state. This policy lacks all accountability or consequence for such fraud. History has shown that this policy merely encourages the federal government and the states to engage in the fraud and to pocket the money. The purpose of these audits was allegedly to ensure the families were able to get the support to them with help from the state, and not to be burdened by the states own collection and disbursement challenges. The problems have continued to worsen and there are still no protocols or procedures in place to define, identify or track these monies. The reports about the states can be found at: http://oig.hhs.gov/reports-and-publications/oas/acf.asp

Note: there is another whole chapter on this child support problem related to identity theft which could comprise an additional deleterious report across all states and programs in the nation. It is no surprise that there are so many "address" problems and inability to locate the payee when the checks are being routed, after first being held.

The $80 billion report (112 pages) of HHS budget allocations is here in @3

Conclusion

In 2011, we see why the current Congress has inexcusably ignored the pleas of desperate hard working parents in this fraudulent debt ceiling deal. First the federal government doubled the budget for these DHHS pork barrel projects and now will choke the states on a national debt crises with little time to respond with their own local solutions. The states need solutions which would make them NOT dependent on such fraudulent federal grants that break their communities, tear down families and harm children.

The state needs to reject all Family Court funding from the federal government and refuse to be a part of the national debt crises. The state needs to Abolish its Family Courts and streamline its judicial processes for maximum efficiency and restoration of families in need of restructuring. The state needs to recognize the power of extended family, alternative and creative visitation and community or faith based solutions to local problems. There are plenty of people to pitch in and help without the middle man stealing everything, including the children.

The state needs to reject the federal governments prescriptions about state Sovereign Rule, local statutes, and our ability to care for our own. We can do it. Get the Family Court out of the family. Ge the federal government out of our state courts. Reduce our state government and enact emergency audits and closure of government services that are crumbling under their own fraud, waste and abuse.

In order to promote democracy and protect American families from government abuse, the US Constitution attempts to ensure balance of powers by division into the executive, legislative and judicial branches. The framers specifically intended to create a system of checks and balances which explicitly forbids the legislative branch from usurping the powers of the judicial branch to issue decrees. The judicial branch is forbidden to loan their power to decide matters

of equity and law. As the forefront of these ideas was the concern that such an abuse of power could have catastrophic effects on our system of democracy and deprive citizens of life, liberty and property without due process.

We need to re-establish our constitution and so also our government. We need to have reliable leadership for that success. The American people do not like what is being done to our country and our communities. We have become demoralized ~ although that is unnecessary. We are supposed to have the vote, have the right to govern ourselves, and be able to protect ourselves as we find our courage to build strong lives of our own making. The people need leadership which is not going to betray us.

We need leaders that will take the kinds of measures that will help us get out of this mess. We have to restore the confidence of the American people. We must save ourselves and the way we do that is by finding a leadership that is willing to effect this transformational effort and which will find the strength and the will to act. We need to progress, not collapse in futility. Progress is not a disaster. Lack of progress is a disaster.

Every person who is really decent has always wanted their children to have better lives than they have had. That has been the core characteristic of the American population. Every achievement ever made, lives on to benefit the generations which follow. Our desire is that our lives will have meant something to those who come after us. That is the basis for human morality. We are builders. We love humanity and we believe that our life has to mean something for the benefit of the generations which come later. That is the American idea, really. Our struggle for freedom, and our greatness, has resided in our special devotion in most parts of our life to the taking people *in to our country*. Giving them an opportunity for a better life than they had elsewhere. Adopting them as our people. Taking pride - even as we go to death - a deep pride in the fact that we are creating something better than what we had for those that come after us. And it is our pride and our sense that we are justified in living which motivates our best decisions.

That we are something good in this system. That we are part of a shared humanity.

Attachments:

1. NCPreport.pdf (397.8 KB)
2. HHSFy2007CollectionsReport.pdf (82.2 KB)
3. 80Billion2012HHSBudget.pdf (1.4 MB)

San Francisco to close 25 courtrooms, layoff 200

rifoja15: August 7, 2011 4:25 PM, Posted and Edited by Patrice Livingston

By Paul Elias, Associated Press
Posted: 07/19/2011 12:33:03 PM PDT
Updated: 07/19/2011 12:33:04 PM PDT

SAN FRANCISCO -- The San Francisco Superior Court announced Monday that it's laying off more than 40 percent of its staff and shuttering 25 courtrooms because of budget cuts.

Presiding Judge Katherine Feinstein said the actions were necessary to close a $13.75 million budget deficit caused by state budget cuts. She said the cuts mean it will take many more hours to pay a traffic ticket in person, up to 18 months to finalize a divorce and five years for a lawsuit to go to trial.

"The civil justice system in San Francisco is collapsing," Feinstein said.Some 200 of the court's 480 workers will be let go by Sept. 30, including 11 of 12 commissioners who preside over a variety of cases. And she said it could get worse if optimistic revenue projections don't materialize by January.

"The future is very, very bleak for our courts," Feinstein said at a Monday press conference. Feinstein said criminal cases would remain largely unaffected because of constitutional guarantees of speedy trials. Every other type of court, though, is facing significant cutbacks. The San Francisco courts aren't the only courts facing cutbacks, only the most dramatic. The Judicial Council, which manages the judicial branch's budget, will decide Friday whether to cut funding of local courts by 8.8 percent or about $305 million. Other courts are considering unpaid furloughs for workers, shorter hours for clerks and other cost-cutting measures.

None are going as far as San Francisco, but the budget woes have caused discord within the judiciary.
The Alliance of California Judges was formed almost three years ago by judges unhappy with the Judicial Council's fiscal management. In particular, the Alliance is demanding administrators scrap plans for a new computer system projected to cost $2 billion to fully install state wide.

Instead, court administrators are proposing delaying the project for a year, which would save $100 million.

see original source pulled 07 August 2011 from:
http://www.mercurynews.com/bay-area-news/ci_18507423?source=rss

$4Billion DHHS Budget Funds a Litigation Industry

cs11: August 8, 2011 9:25 PM, Posted and Edited by Patrice Livingston

Responsible Parenting is a Good thing for Communities (protracted litigation is not)

Cobblestone Strategies and Fathers for Justice have developed a 75-page powerpoint presentation from available state and federal documents so that individual legislators (either state or federal) can begin to understand the breadth and complexity of the issues. The problems are more than social, more than fiscal and more than legal. They are of a combinatorial challenge of bad practices in all areas, and at the intersection of multiple domains of public policy. The sound bites and tag lines are very misleading to the uninitiated. The underlying systems dynamics of a machinery that brings out the worst in human behavior, greed and misdeeds, needs to be understood in order to tackle it and replace it with solutions that would bring out the best in people's humanity and compassionate charity to help one another.

Fathers-4-Justice® US (F4J®) is a 501(c)(3) not-for-profit, volunteer army of fathers, mothers, grandparents, and others dedicated to fighting for truth, justice and equality in family law. It should not be confused with father supremicist groups or mother supremicist groups. The authors of this report honor and emphasize the important role an emotionally healthy, loving and financially responsible father and/or mother has in a child's life. The majority of American fathers (and mothers) do not abuse children. And ~ they would not knowingly engage in fraud. It is important to keep in mind that those are not the fathers which DHSS and the misguided fatherhood "Industry" promotes or caters to. A distinction must be made between supremicist ideas about mothering or fathering apart from FISCALLY driven motivations by government against parents which usurp legal rights and custodial care.

Safety, Performance Measures, & Compliance are all absent

Such Funding to States motivates local authorities to:

- abuse due process rights of parents
- extort parents to pay for visitation and legal fees
- causes economic hardship, not job creation
- creates emotional and psychological duress for kids

SOLUTION: Cut the Funding, Audit Programs, remove collateral mandates from Title IV-D: Save RI $
TANF provides incentives for increased conflicts in custody cases via placement of fathers into state run grant programs when actions are pending on them. Both parents are unaware of the way in which they are manipulated and extorted to serve financial incentives. CSE stalls on payments and causes the mothers to file for arrears and this provokes law enforcement actions because she is led to believe he didn't pay. Instead of expedited payments to families, the funds are held for interest bearing reasons and used to offset state child support administrative costs and capricious enforcement activities. Such a parallel justice system for child support with no oversight denies parental due process rights.

What Qualifies as Healthy or Responsible Activity in Marriage and Parenting?

- Do wealthy people know more about marriage?
- Would you trust HHS with your children and marriage?
- HHS has no monitoring

- HHS has no compliance process
- HHS has no performance measures or accountability
- CSE units abuse their power
- orders are not signed by a judge
- orders are not in the court's file
- DA has no jurisdiction over dad
- extortion or big brother actions like this are not the same as responsible oversight or help to needy families
- Citizens are being retaliated upon
- Audit done of DHHS Fatherhood Programs
- $150M in question was found to be TANF kickbacks
- abstinence only programs for fathers and married couples
- NO standard protocols to assess the programs or what constitutes "Responsible Fatherhood"
- NO accounting requirements found

This system leaves itself open to fraud through deliberate "set-up-to fail" procedures, enables the state agency to continue to collect the support money from the non-custodial parent and not send it to the custodial parent eventually keeping the money for the state's general fund. States are allowed to devise their own policies and methods to verify when a child support account payment is "abandoned", it means the custodial parent can not be located, or the checks are not cashed, or the mailed check is returned as undeliverable mail. These purported "abandoned" funds must be distributed back to the federal government.

Key Findings: Tax Dollars

The GOA Report concluded that:

1. $500 Million Unconditionally Given To Activists: Operating under a deadline that allowed HHS 7 months to award grants, HHS shortened its existing process to award Healthy Marriage and Responsible Fatherhood grants to public and private organizations. During this process, HHS did not fully examine grantees' programs as described in their applications, including the activities they planned to offer, and this created challenges and setbacks for grantees later as they implemented their programs. –P. 2
2. GOA Was Incapable of Accurately Assessing the Mess: In 2006, HHS awarded a total of 229 grants, of which 216 were Healthy Marriage and Responsible Fatherhood demonstration grants that provided direct services to participants. We surveyed all of these grantees. We did not survey the remaining grantees: those that either provided research or technical assistance, assisted organizations with developing fatherhood programs, or relinquished their grants.
3. Failure to Implement Uniform Standards, Policies, and Procedures: HHS uses methods that include site visits and progress reports to monitor grantees, but it lacks mechanisms to identify and target grantees that are not in compliance with grant requirements or are not meeting performance goals, and it also lacks clear and consistent guidance for performing site monitoring visits. –P.2
4. Embezzlement and Fraud Was Likely Vastly Under Estimated: Moreover, we did not survey organizations that received money from grant recipients to provide direct services, subawardees. Since making the initial awards, 4 organizations have relinquished their grants, 1 organization had its grant terminated, and 1 new grant was awarded. There are 6 organizations currently pending non-continuation of award funds.

Fatherhood funds are used on main stream projects which are never identified as "Fatherhood Programs." Fathers

have a right to know if the court's purpose for "helping" them is to require them to involuntarily parent or exploit their unwillingness by alternatively requiring them to pay for classes. Mothers should have a right to know if their mediator, or the child support attorney, or the free "lawyer of the day" are biased & working together for the purpose of helping ONLY fathers.

Equal Funding Not Available for Mothers and Children

There is no "motherhood promotion" program, yet mothers are awarded custody 80% of the time. TANF programs for mothers and children are needs based, extremely limited resources available; time / usage of allocations are limited. Qualification for legal assistance under VAWA include recent assault, extreme poverty, imminent danger.

Yet "Responsible fatherhood" per GAO REPORT is:
(a) not getting arrested for assault
(b) being embroiled in aggressive litigation
(c) showing up to collect one's "incentives" . NFI funds are used to start "Parental Opportunity Projects" (POP,) which are the Fatherhood programs that distribute the $1 billion in child support "incentives" listed in the 2012 budget. However, in reality, government reports demonstrate that their true purpose is to recruit fathers into TANF funded litigation through the local child support system.

Programs are Illegally Given Judicial Authority over Family Law Cases

Under the veil of providing fathers with "More flexible policies," some of the collateral incentives fathers were given while enrolled included:
(1) "…child support agency suspends the child support obligations…for three months."
(2) "…hold child support in abeyance"
(3) "Only a token [support] order imposed"
(4) Illegal Abatement of Arrears: "While federal law prohibits adjusting past support obligations…providing amnesty, forgiveness, with arrears owed…"

LITIGATION IS A PUBLIC HEALTH CONCERN

Family Court Litigation causes stress, the "S" in PTSD & creates changes in peoples' health.Social Factors contribute to PTSD along with psychological, genetic and physical ones - and people in conflict, abused, incarcerated or threatened are vulnerable to it. People who suffer PTSD may get upset easily, have flashbacks, and can be frightened by dreams or memories.

POP's irresponsibly target families especially prone to PTSD, which is a type of disabling anxiety disorder which interferes with daily functioning. PTSD is an Invisible Disability
and its unethical and unlawful to discriminate under ADAAA. Title II of the Americans with Disabilities Act prohibits publicly funded programs from discriminating against persons with disabilities, "whether apparent or not." The ADA explicitly covers those with invisible mental disabilities, such as learning disorders (dyslexia, ADHD, ASD, e.g) and Post Traumatic Stress Disorder, depression, brain trauma, etc. Veterans with PTSD are likely to be found on military bases and in courtrooms, and that is exactly where a large portion of fatherhood programs are found. Instead of help, fatherhood programs exploit parental anxiety and convince them to litigate and "fight, fight, fight."

Automatic presumptions of joint custody diminishes parental rights and requires tax payers to fund unnecessary conflict caused by ignoring the needs of the child and limited resources available to parents. Rather than allow parents to decide what's best, they must allow the court to give custody to abusers 100% of the time, then fight it out in court to meet the child's needs in a situation which was otherwise working. Responsible fathers understand that the child's best interests are served by recognizing that each child and parent has unique individual strengths and needs.

Such wrongful attribution or presumptions take legal rights away from parents to decide what is best for the kids, and instead require parents to invest in endless litigation to discredit reputations. This alienates and extorts responsible fathers who would rather invest in their family than in a lawyer - or suffer ill health from protracted litigation It legally requires all abusive fathers and men seeking to evade support to have custody of children. By requiring a parent to be proven UNFIT rather than in a child's best interest, the parents must badmouth each other to the bitter end until the child is successfully damaged sufficiently to warrant the label, or the parents run out of money.

This skews custody cases towards father when mom has more responsibility and less economic and bargaining power, depletes her resources, and father gets custody by means of attrition when the mother can no longer afford a lawyer.

IT IS A PUBLIC HEALTH CONCERN which causes PTSD. Stress Kills

Next Concern: Are fathers getting the services they ask for.... or the ones the State wants them to have?

REFERENCE OCSE Responsible Fatherhood Programs:

- P.144: Nearly half (47% across all sites) said they needed educational services, compared with 17 percent of the program staff.
  It is unlikely that the program staff was truly unaware of their clients' limited educational levels"
- P. 148: "...Only 12 percent of the noncustodial fathers received educational services."
- P.148: "When they referred fathers to services provided by other agencies, staff records may only reflect the fact that staff made a
  referral to an external service provider and not that the client followed through and was actually served...there was considerable variation
  in the quality of monthly record-keeping at the sites."
- SOMETIMES: P.151 mentions that many fathers had car repairs paid for.
- P.166: "There were no significant differences between baseline and follow-up with respect to the total monthly amount due
  (i.e. combining monthly support with the monthly arrears payment.)

FACTS:

- Parents with 50/50 physical custody are not usually required to pay support.
- Injecting unwilling absentee obligors into the high conflict homes of children actually makes tax payers "more likely to pay" for all the therapy, legal support, and supervisory services required to maintain contact.
  (Is this a bargain?)
- Parenting time + low payment of child support # better quality life for the child if the lower payments curtail

access to resources in one home or to the publicly offered lower cost services otherwise available. For instance, instead of needing just food stamps, the system is paying for litigation support to tear the child's life apart and denying him access to food stamps in the primary home anyway.

How did all of this come about? (1994: Creation of a "Crisis")

In 1995, former President Clinton issued executive orders that directed federal agencies to review and "modify" all family programs and initiatives serving primarily mothers and children, to include fathers and "strengthen their involvement" with children. OCSE collateral mandates and NFI funding policies require the IV-D financial support related agencies to partner with and recruit business for a handful of father's rights groups engaged in the nonprofit custody litigation industry. This sort of mandate usurps any chance for public courts to achieve judicial accountability to preserve due process.

The stated purpose of the father's rights movement is coercive control:

- Promote a man's property rights (eg. Right to access and control his children / ex)
- Reduce or eliminate child support
- Relax domestic abuse laws, penalties and restrictions meant to protect victims
- It is NOT the same as healthy engaged parenting by truly responsible fathers

see *"Family Court Corruption" 7/8/2002 by CA NAFCJ Director Cindy Ross,
http://www.newsmakingnews.com/ross7,8,02familycourtcorruption.htm

When a family enters the court system or enrolls in any kind of government assistance program, including child support services, fathers are constantly pressured to sign up for MULTIPLE TANF Fatherhood POPs "Parental Opportunity Programs" in order to receive these "free" subsidies through a series of piggy-back referrals to other FRI's. However, fathers delinquent in support payments are called to meetings without the custodial mom present and forced by DCSS to elect between

(a) risk of prosecution trying to pay off poorly managed and possibly fake arrears
<or>
(b)Enroll in a POP and manufacture a "high conflict" custody war against their families with POP services.

In 2006, DCSS and SF Family Court applied for ACF grants to establish the "Resolve" project. This project railroads mother's cases, and provides referrals to fatherhood funded "services." In July 2011, San Francisco has since announced closure and shut down of 25 courts.

National Child Support Enforcement Association (NCSEA): NCSEA is a nonprofit group which lobbies for ACF grants for child support programs and other nonprofit initiatives which service the family courts. Fatherhood nonprofits are given the authority to change court orders. Is this legal? Then, A fatherhood funded mediator advances father's interests. They are not telling mothers that this is a fatherhood program.They are affiliated with fatherhood groups.

The principle judicial violations are that judges obtaining the grants and hearing the cases

are in some instances affiliated with the male litigants (programs serve as a vehicle for favorable case results for enrolled dads - many are CRC members). CRC is a militant father's rights group started by David Levy which advocates for increasing the need for it's own court affiliated services by inciting protracted high conflict litigation. CRC's business plan feeds off fueding families who require court appointed officials such as father's attorneys, minor's counsel, mediators, GAL's, parent coordinators, evaluators, etc. The CRC related nonprofits like San Francisco's Kids' Turn offer
family court services such as parent education classes, counseling
services, and divorce transition support for kids.

Federal evaluators concealed:

- their role in program design;
- their "ownership" role in model program site;
- cross-affiliation with program case managers;
- affiliated with court professionals being paid from programs as court evaluators;
- designed programs so child support agencies recruit the adversary of their Congressional mandated public client for sole purpose of litigating against that custodial client;
- gave case managers 'judicial' like authority to change support orders;
- use of Gardner/PAS tactics which they have discredited themselves.
- Case Rigging by Courts
- Federal Funds Abused by States
- that Programs have no Accountability
- Reporting Fudged by States - widespread abuse

AFCC: The Family Court

Association of Family and Conciliatory Courts (AFCC) is an organization made up of judges who decide family court cases, as family court industry professionals who appear before them-sometimes on these very same cases. CRC and the AFCC are cross affiliated because they have many founding incorporating officials and members in common, and also give conferences together or craft/co-sponsor father's rights legislation together. Kids'Turn is a San Francisco RFI funded CRC/AFCC affiliated nonprofit which provides the court's court ordered parenting classes and counseling services. Kids'Turn was founded by SF family court officers, and it is directly affiliated with the CRC AND AFCC. The SF Superior Court has a lien on Kids'Turn. Liens compel payment of debts. This means that Kids'Turn is granting something to the Superior Court.

To promote the NFI agenda and attract clients, FR advocates like Glenn Sacks wage hostile and aggressive anti-mother media campaigns which:

- Target, stalk and publicly lambast domestic abuse victims as liars, whores, mooches, and "alienators."
- Promote "False Allegations" hysteria. 90% of the abuse allegations made in court by mothers and children are real.

- Publicly discredit children who courageously report sexual abuse and violence

A popular Fathers Rights author is American Coalition of Fathers and Children (ACFC) board member Ronald Isaacs, Esq. ACFC is a federally funded 501(c)(3) nonprofit.
Isaacs is the founder of the Fathers Rights Foundation, an Illinois for profit corporation.
While Glenn Sacks claims that Fathers and Families 501(c)(3) nonprofit does not accept TANF fatherhood funds directly, the NFI recipients contract his services with these funds.

Conclusion

Abolish Lawless State Family Courts by Cuts in DHHS Funding Abuses

Responsible Fatherhood is not evading and abusing the laws. Helping families means protecting parental rights, due process and civil procedure. The cottage industry of centers and nonprofits, unregulated supervisors for hire and state run programs is a Public Health Concern & not helpful.

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See the PPT with charts, references, data, funding numbers, and some state references here in @1.

Attachments:

1. CobblestoneStrategiesHHSBrief.pdf (6.7 MB)

Legal Ethics Real and Imagined

rifoja25: August 9, 2011 9:26 PM, Posted and Edited by Patrice Livingston

by Barry Goldstein

Battered women's advocates are increasingly concerned about the difficulty for protective mothers to find ethical and competent attorneys to protect them in the broken custody court system. Attorneys for mothers often take all their money and then abandon their client when her money runs out. Even worse, these attorneys pressure women to accept unsafe settlements, fail or refuse to present important information to the court and too often cooperate with the judge and other professionals in undermining her case.

Attorneys often have a conflict of interest in that they will be appearing before the judge in many other cases and do not want to act in a way that could undermine their position in other cases they might consider more important. Such practices violate legal ethics that require attorneys to zealously represent their clients. Although many protective mothers have filed complaints about such unethical practices, the complaints are not taken seriously.

The legal system often refers to the victims as "disgruntled litigants" to justify the failure to investigate such ethical lapses. The fact that such unethical behavior makes it easier for judges and discourages accountability for the court system's failure to protect battered mothers and their children encourages the system's practice of dismissing these complaints.

What is an ethical attorney supposed to do when the rewards for going along with unethical practices are great and challenging improper practices is actively discouraged?

They don't teach about this in law school, but this is a common dilemma in the present custody court system. I faced this issue when I agreed to represent a protective mother in the Shockome case in Dutchess County. Although the mother was the primary parent, a gifted mother and the victim of extensive abuse by the father, the court had given custody to the abuser and limited the mother to supervised visitation without an evidentiary hearing on the merits of the petitions in front of the court. Three prior attorneys had represented the mother. They charged large sums of money while failing to challenge the court's use of gender bias and discredited domestic violence practices. The prior attorney agreed to a second evaluation under terms that it would only be used if it were unfavorable to his client. At the initial conference I attended, the judge said all her prior attorneys agreed she was not credible. If that were true it would mean her attorneys acted unethically.

The statement also supported my belief that the judge had fostered an atmosphere to pressure court professionals to support his beliefs. The domestic violence agencies in Dutchess County were concerned that the custody court was favoring abusers and had severely mistreated many of their clients. In much the way civil rights leaders selected Rosa Parks to challenge segregation laws on buses because of her outstanding moral character, the domestic violence agencies picked Genia Shockome as a case to devote their resources because her case was so strong and parenting skills enviable. Throughout my involvement in the case, domestic violence advocates filled the courtroom in support of the protective mother. Although I have a long history of representing battered women, I have never seen that level of support in any other case.

Domestic violence agencies are an important resource in any community. They are the only professionals who work full time on domestic violence issues. They have more training and experience about domestic violence than the " experts" courts often rely upon because of the letters after their names. These agencies have limited resources and

must screen their clients before providing services. This means a woman receiving such services is extremely likely to be a victim of domestic violence.

During my first appearance in the Shockome case, the judge immediately called for a conference with attorneys only. The first thing he said was that he would not be intimidated by the women in the back of the room. The domestic violence advocates had not made any threats so this extremely defensive reaction raised grave concerns about his ability to give my client a fair hearing.

After this first appearance, we decided to make a motion to recuse the judge. This was based upon his statements about the domestic violence advocates and prior attorneys, the extreme action he had taken without a hearing, unfair and improper practices including use of the Parental Alienation Syndrome which is illegal in New York (the judge admitted PAS is illegal to use but claimed he was using parental alienation not PAS. The law guardian, however admitted the decision was based on PAS) and stories I had heard from other abused women and their advocates. The grievance committee, ignoring the other grounds for the motion claimed it was unethical to make a motion for recusal after only one appearance when I had not read the entire file of the women who contacted me about their cases (I did not plan to represent them). This was a standard that was not applied to the grievance committee lawyers, judge and appellate division judges who made statements unquestionably wrong after failing to review basic information in the record.

The New York Court system's own Committee on Women in the Courts had issued a report finding extensive gender bias and specifying common examples of the use of gender bias in the courts. Courts most often engage in gender bias without realizing they are doing so. Accordingly if an attorney representing a client victimized by gender bias fails to raise the issue, the client has no chance of receiving fair consideration of her claims. This is exactly what was happening in the Shockome case that was permeated by gender bias.

In removing the children from the mother's custody, the court relied on an evaluation that said the mother is a strong and articulate woman so could not possibly need a domestic violence advocate. All of the experts who testified in the case were outraged by this statement and understood the statement demonstrated the evaluator was not qualified to participate in a domestic violence case. The judge ignored the problem when it was presented to him.

The basis of the court's approach was to blame the mother for her fear of the father and attempts to protect the children from the abuser. In other words the judge blamed the mother for her normal reaction to the father's abuse. Even though the abuser never missed a visit he was entitled to when the children lived with the mother, the court treated the mother as if she was trying to interfere with the father's relationship with the children.

Throughout the case, the father's claims were disproved by other evidence including his own admissions when confronted with neutral evidence. The mother's claims were supported by multiple witnesses and other evidence. Nevertheless, as is common in gender bias, the court gave the abuser more credibility than his victim. The judge did not know what to look for to recognize domestic violence and understand the pattern of coercive control by the father. The court also imposed a higher standard of proof on the mother that was demonstrated later with its use of a certainty standard for the mother and probability standard for the father.

What is an ethical attorney supposed to do when his client cannot receive fair consideration of her case because of the court's gender bias? I attempted to educate the judge both about domestic violence in general and how it applied to the immediate case. I cited and discussed a brilliant article "Evaluating the Evaluator" by Lynn Hecht Schafran. This is a wonderful example of gender bias because it shows how even a woman, acting in good faith can unintentionally

engage in gender bias against a mother. I described some of the work I do and training I receive as an instructor in a domestic violence program for men. The approach is to focus on how systemic issues can make it normal for men to engage in sexism without realizing they were doing so. I also provided historical context for the research in domestic violence to demonstrate the approaches the judge was using had been discarded after they were shown to be ineffective. There was a good reason I used the most benign approach in my attempt to help the judge see the mistakes he had made. He was extremely defensive and I needed to find a way not only to give him the up-to-date research he needed, but also to give him a chance to hear it. Despite my good faith approach, the judge and grievance committee repeatedly took my statements out of context, without basic domestic violence understanding to create the illusion I was engaging in baseless attacks on him.

After the judge ignored the overwhelming evidence and gave custody to the abuser and continued to limit the protective mother to supervised visitation, and the appellate division affirmed the case by blindly deferring to the judge and ignoring significant legal issues, Newsweek magazine made a thorough investigation of the case. The reporter took months speaking with myself and the protective mother, abuser and his attorney, national experts in domestic violence and representatives of male supremacist groups. Most important she reviewed the extensive records of the case. The result was a powerful article and one of the few times the national media has exposed the pattern of abuse in the custody court system. Newsweek used the Shockome case to illustrate the problem in the custody court system where the use of PAS has resulted in thousands of children being sent to live with abusers. PAS is a bogus theory, unsupported by scientific research that is used by male supremacists to prevent investigation of domestic violence and child abuse allegations. Although it is not used by mental health professionals for any purpose outside of giving custody to abusers, and it not permitted in other courts because of a lack of scientific justification, custody courts have frequently admitted this voodoo science with tragic consequences.

Upset that their cruel practices had been exposed, the male supremacists launched an attack on the Newsweek article. Using incomplete material and statements from the abuser in the Shockome case (without using his real name) the male supremacists claimed there was no evidence that the father had committed any abuse. These were the same male supremacists who gleefully hailed the unprincipled decision against me. In reality, just the evidence of those supporting the father proved him to be an abuser. The abuser acknowledged that he told his wife that he brought her here from Russia and she has no right to leave. He also said she would never get away from him. These statements demonstrate the father's motivation for seeking custody although he had little involvement with the children before the separation. The judge, looking only for evidence of physical abuse ignored this revealing evidence.

The visitation supervisor (later jailed for fraud in an unrelated matter) admitted the mother suffered a panic attack when she unexpectedly encountered her abuser. The court appointed evaluator supported the abuser because she said she was influenced by her belief the judge and law guardian wanted him to have custody. Under cross-examination, however she admitted the father probably abused the mother physically, verbally and emotionally throughout the marriage and the children probably witnessed his abuse; there was no alienation, the mother is a safe parent and the father's abuse probably caused the mother's PTSD. What the male supremacists were saying was there wasn't any evidence of the father's abuse in the judge's decision and that is because he ignored inconvenient evidence. In reaching their demonstrably false conclusions no court handling the Shockome or Goldstein case, nor their male supremacist supporters has explained how they can claim their was no evidence in light of the full record nor how to justify decisions based upon a certainty standard for the mother and probability standard for the father.

Recent research confirms that courts have made all too frequent mistakes in giving custody to abusers. This, however, does not mean the judges have acted unethically. Most judges never received any domestic violence training in law

school and the professional training is often inadequate. Accordingly it is quite possible for judges to make serious mistakes while acting in good faith. From an ethical standpoint, the cases of most concern are those with extreme outcomes and where retaliation is used. Judicial ethics require not only that judges avoid improprieties, but also that they avoid the appearance of conflicts of interest or other unethical behavior. Many of the mishandled cases involve allegations of domestic violence or child abuse that the court fails to recognize and retaliatory allegations of alienation that the court believes and acts upon. I can understand when the court believes the alienation allegations and fails to recognize his abuse it would award custody to the alleged abuser.

Too often, however the court wants and expects the protective mother to stop believing that the father is an abuser. When she continues to present evidence of the father's abuse, many judges are not open to the idea they made a mistake and instead seek to punish mothers for their beliefs. The result is often supervised visitation or no contact with the children. These extreme results create an appearance of bias and impropriety because the decision appears to be based upon the mother's failure to accept the court's conclusions rather than the best interests of the children. This appearance of impropriety occurred in the Shockome case when the court imposed supervised visitation against the mother and children and tolerated the father's decision to end all visitation. Ironically this was after the judge said his approach was designed to make sure the children kept both parents in their lives. The court never reconsidered its approach after its approach failed to meet this goal. If there was a basis for these extreme orders, there would be evidence and research that not only demonstrates that the alleged alienation is harmful to the children, but that denying them a relationship with their primary attachment figure is less harmful than risking the chance the mother might say something unflattering about the father. In reality there is no research that taking a parent out of a child's life because she might make alienating remarks benefits the child. There is, however substantial research of the tremendous harm done to children by taking their primary attachment figure out of their lives.

Similarly the research establishes long term harm to children of living with an abuser. Since the evidence and research in no way supports the extreme measures, they create the appearance that the court is retaliating against the mother for challenging the court's (mis)understanding of the case. Punishing children because the court disagrees with a mother is improper. These extreme results illustrate the double standard commonly employed by the court system. There are numerous cases in which the child's father has been found to be a rapist or even convicted of murdering the mother. These abusive fathers usually will receive at least supervised visitation, but numerous protective mothers including Ms. Shockome have been denied any contact with their children. Only a broken system can take disparaging comments by a mother more seriously than rape or murder. As courts have created more Custody-Visitation Scandal Cases and received justified criticism for their mishandling of these cases, we have seen more retaliatory practices by the courts.

Contempt, jail, unfair financial burdens, constant litigation and attacks on professionals helping protective mothers are some of these retaliatory practices. It appears the purpose is to silence and destroy the credibility of someone complaining about the court's mistakes. This creates the appearance that the judge is using his power to promote his personal interest. There are complex psychological explanations for why a judge might take such actions and I am willing to accept that some judges may be unaware of their motivations. This does not matter. If the judge creates an appearance of impropriety, he has violated judicial ethics. Ironically in the attempt to justify past mistakes by silencing victims, the court is confirming the impropriety of its actions.

In the Shockome case the mother was forced to appear without representation after I had to leave the case for medical reasons. The court held the seven-months pregnant woman in contempt and jailed her for a month after she repeatedly said "objection" in her attempt to preserve her right of appeal. Instead of telling the mother she had

preserved her right to appeal, the judge took her objections as if she was trying to interfere with the judicial process. The judge received substantial and deserved criticism after the Newsweek article exposed his mishandling of the case and as a result of the needlessly cruel decision to jail a pregnant mother. I exercised my first amendment rights by writing an article calling for a "Genia's Law to reform the broken custody court system. The judge again retaliated, this time by filing a frivolous grievance against me.

The reasonableness of the judge's complaint can be understood by looking at the only charge the grievance committee refused to persecute. The judge complained that when I thought about the harm the court did to the children I had tears in my eyes. The grievance committee took statements I made out of context and made them into multiple charges. At the start of the investigation I requested that they consult an expert in domestic violence so they could understand the domestic violence issues that are at the heart of the Shockome and Goldstein cases. The attorney said it wasn't necessary because they would believe what I said, but they failed to do so. Much of the complaint concerned my exercise of my first amendment rights. Indeed the referee who heard the case expressed concerns that my first amendment rights were being violated. The grievance committee took the most extreme positions with little or no support in the evidence to argue against my opinions and statements. This is perfectly reasonable in an adversarial proceeding where each side uses the facts and arguments most favorable to their side. It is not appropriate in a disciplinary proceeding. They created an illusion that if they disagreed with my position, even on issues that I am far more knowledgeable about, I have to be a liar and therefore unqualified to practice as an attorney.

The appellate division had a serious ethical problem because they had a fundamental conflict of interest. The appellate division had issued a decision in the Shockome case in which they blindly deferred to a biased judge and they never responded to the serious legal issues raised including the use of the certainty standard for the mother and probability standard for the father. The one factual statement they made in support of their decision claimed the mother's expert witnesses were not credible because none had spoken to the father or children. This mistake proved embarrassing to the appellate division because the experts included the couple's counselor that both parties testified met with both parties as the essential part of her work and the child's therapist. The abuser submitted tape transcripts of his conversations with the child's therapist. Accordingly the appellate division was in a position where following the law and evidence would confirm that their colleagues had mishandled the previous case and failed to review the actual record.

In fairness to the appellate division, this was similar to the case involving pay for judges. There is a conflict of interest, but it has to be decided by the court because there is no one else available. Accordingly it might be ethical to make a ruling against me, but judicial ethics would require that they be careful to demonstrate the basis for the ruling in their decision. They made a decision that totally failed to explain why they reversed the parts of the case the referee got right or why they were ignoring the law and facts that seem to bar the decision to suspend my right to practice. More specifically they failed to explain how I could be disciplined for calling the judge biased when he used the certainty standard for the mother and probability for the father. They failed to respond to the referee's concerns about the violation of my first amendment rights. They failed to respond to the problem of the decision having a chilling effect on the ability of battered mothers obtaining proper representation or the unchallenged evidence that the decision would result in the death of women who stayed with their abuser because they were afraid of losing their children if they went to the broken custody court system. They failed to explain how they could accept without evidence the conclusion of the judge after the parties stipulated that such conclusions could not be used because I was not a party in the Shockome case. They failed to explain how a tape could be admitted into evidence without the authentification that would be required in every other lawsuit in which a judge does not have an interest in the outcome. Judicial ethics required that if they decided to make such an extreme decision they had to at least answer such fundamental

questions.

I was a student in Washington during the May Day demonstrations in 1971. The Nixon justice department orchestrated a police riot in which over ten thousand mostly innocent people were jailed and the wholesale misuse of pepper gas sickened thousands more. Many students were arrested walking to or from class. As someone who grew up with a white, middle-class background, this was extremely frightening. We were taught that if something was wrong or someone was creating a danger you should call the police.

What do you do if the police are the ones causing the danger?

The courts responded by declaring the arrests illegal and compensating the victims. A few brave journalists exposed the abuses of Nixon and his aides and eventually the public demanded action. Congress responded by starting impeachment proceedings and our democracy was saved.

What do we do when the broken court system is causing the danger?

Questionable Practices in Custody Litigation

policy5: August 8, 2011 6:56 PM, Posted and Edited by Patrice Livingston

This chapter talks about several important topics regarding needed legislative reform and regulations that will eliminate poor practices from the courts and people's live even if we achieve reform. The Table of Contents and Introduction to the Civic Research institutes Published volume on Domestic Violence Abuse and Custody is here in @1.

More importantly, the case for abolishing Family Court has evolved from the research and analysis of poor practices uncovered in the call for abolishing GAL's and court auxiliaries (psychologists, custody evaluators, etc). That chapter is here in @2. A 20-year review of custody evaluation practices is found in health20: Child Custody Evaluation Practices: A 20-year Follow Up and the notes are uncanny: one must follow along with what the "expert" psychologist says or risk having a difficult litigation case. They have regaled themselves with unearned power over two decades and the judges have indulged it while the state legislatures looked the other way believing them to abide by the ethics of their profession, especially FIRST: do no harm.

The bad part is this whole junk science of PAS (parental alienation syndrome). An April 2010 peer reviewed reference by lawyers, psychologists, judges, and other authors with subject matter expertise that highlight the list of facts as proof that PAS fails to satisfy Daubert:

1. Differential diagnostic criteria (DDC) cannot diagnose PAS according to Gardner's definition.
2. DDC cannot logically diagnose any identifiable entity
3. There is no evidence that PAS is a medical syndrome; its cause and remedies are legal, not medical
4. Gardner's expert certification was questionable. He was a known child sexual abuse proponent and committed suicide in May 2003. The Bergen County (New Jersey) Medical Examiner reported that Dr. Richard Gardner died a gory, bloody and violent death - from his own hand. Gardner took an overdose of prescription medication while stabbing himself several times in the neck and chest. Gardner plunged a butcher knife deep into his heart.
5. PAS is a mere ipse dixit ~ "Subjective (belief) and unsupported speculation" see the reference: J. Hoult, "*The Evidentiary Admissibility of Parental Alienation Syndrome Science, Law, and Policy,* " 26 (1) Child. Legal Rts, J. 1 (Spring 2006) also presented at the International Conference on Violence, Abuse an Trauma San Diego, CA Sept 17, 2006

However, the authority, fees, referrals, and encroaching ability to publish and influence peoples lives is just too alluring. The type of individual that has seen the Family Court domain as a magnet for their work, has abandoned their ethics and should be regulated and they should be kicked out of the court and out of family practice per statute. Psychologists should not be endowed with making custody recommendations which cause a judge to abdicate his authority and decision making -through evidentiary hearings, protecting due process and preserving civil rights for all parties. The GALs, evaluators and psychologists have too many immunities and privileges which have allowed them to hide their conflicts of interest, the conspiracy and revolving door referrals and in the case of Rhode Island the secret society that used to meet to exchange family court cases, notes, and strategy in violation of peoples privacy! They called it the legal-mental health coalition and convinced themselves that sharing private information gleaned by their work in cases to help adversarial attorneys and other psychologists in other counties gain a leg up on influencing judicial outcomes.

In the Rhode Island Department of Health, August 2008 Center for Health Data and Analysis (full 4 page document

here in @3) serious psychological distress (SPD) is calculated by a person's answers on how often they feel nervous, hopeless, restless/edgy, depressed, worthless or that "everything is an effort". SPD rates in RI are higher among those who are Hispanc, without a college degree, have annual household income less than $25,000, are divorced or separated, are unemployed or unable to work; or have a disability. The Family Court adversarial system and psychological battering actually causes a person to be placed into three or more of these categories, all simultaneously by traumatically taking their children, economically impoverishing them, interfering with working capability (or outright inducement of disability). The actions of these psychologists and attorneys cause increased risk for SPD in Rhode Island citizens. The fact that these persons also have less access to health care than others (or that the source of the abuse is FROM the health care system via legal abuse) points towards underlying issues of concern for the state about both identification of the problem and access to adequate and appropriate care - not bogus diagnosis that cause more trauma and increased risk for SPD.

By allowing such revolving doors of psychologists and attorneys in their referrals of family court cases, the court simply does what the unavailable psychologists says, and so delegates the court's authority for rulings of law to a sealed letter that was paid for by one of the adversaries. When a party tries to hold the psychologist or GAL accountable, they say: the judge made the ruling. When one attempts to gain clarity from the court, the judge says they go by what their "experts" recommend. And so goes the legal entrapment and abuse of the vulnerable litigant in such a scheme, It is a practice that is not endorsed by any reputable national standards body in either the medical community or the legal community. It allows people to commit domestic violence by proxy on other using the courts, attorneys and psychologists to do it: see health31: Domestic Violence By Proxy

This flies in the face of abuse of the public trust. See policy11: 2011 Crimes Against the Public Trust Statute - Title 42 for the wording of good legislation as the Rhode Island General Assembly has valiantly passed legislation to establish a public corruption unit at the office of the Attorney General in the interest of capturing these very bad practices on the RI citizenry.

Cross References:

references (3)

- health31: Domestic Violence By Proxy
- policy11: 2011 Crimes Against the Public Trust Statute - Title 42
- health20: Child Custody Evaluation Practices: A 20-year Follow Up

Attachments:

1. DVAC TOC.pdf (331.7 KB)
2. Chapter23-ArgumentToAbolishCourtAppointedEvaluators.pdf (6.4 MB)
3. 2007SeriousPsycologicalDistress-1.pdf (436.4 KB)

In this court, there's no obligation to explain anything

federal22: August 19, 2011 1:57 PM, Posted by Patrice Livingston

Michael Brady is due to go to prison on Wednesday. It won't help. It won't resolve anything. He will be just as poor when he gets out as when he went in. His two young kids, who tend to cling, will be without him.

But his imprisonment, if it happens, will re-exert the control Family Court has over one of the people caught in its snare. And in Rhode Island Family Court, control often seems a higher priority than resolution.

Brady makes one simple request in the midst of his latest go-round with the court — do the math.

"I'm 48 percent in the hole every month," he said.

He receives Social Security Disability payments because of a series of heart attacks and arthritis. He says he did very well in the mortgage business when he could still work, but he isn't doing well anymore.

He receives $1,430 a month plus $236 for each of his children. But $547.70 of that is attached by the court for child support for a son from his second marriage who is now 18.

So Brady is paying child support. But there are still back payments the court claims he owes, and a month ago Magistrate Armando Monaco told him in Family Court he would be going to prison on the 17th if he doesn't pay $4,500. The sentence is for one day at a time until the payment is made.

He says he doesn't have it. He says that after his child support and other basic expenses are covered, he has $499 a month to live on.

He raises an important point. Should payments be connected to reality or should they be imposed arbitrarily and with no regard for the ability to pay?

Two weeks ago, I watched as a friend was led out of a courtroom in handcuffs because he honored his late mother's wishes and divided $36,000 from her estate among himself and three of his children. He was found in contempt for

not feeding the money instead into the gaping maw of Family Court.

Brady did what seems an obvious and reasonable thing. He filed motions with the court to modify his payments to more accurately reflect his income.

"The magistrate won't hear my motions," he said.

A magistrate should hear such motions, shouldn't he? Isn't it only fair to let a man argue his case, present the facts and the figures that explain how much he can pay and how much he can't?

So I called the court. I asked if I could speak with Monaco about the case or at least get an explanation of why Brady's motions for modification haven't been heard.

Making such a request to Family Court is pointless. It is a court that does not explain itself. Much of its business is done behind closed doors. It undergoes little or no public scrutiny.

A court spokesperson told me there would be no conversation and no explanation for the failure to hear Brady's motions because the case is still pending. Since cases seem to be pending forever in the court, that makes any explanation unlikely.

Meanwhile, Michael Brady counts down the days and hopes that he can be heard before his scheduled trip to the ACI. He has made arrangements with a friend to look after his children just in case. His son John is 3 years old, his daughter Jamie is 2. He is raising them by himself. Their mother, his third ex-wife, is in the ACI on drug charges.

If he does go to prison, it will be his third time. He is a standard bearer for that small fraternity of parents who end up in the slammer because the math just doesn't work for them. He's a Family Court lifer. There's no end in sight.

There is a For Sale sign on the lawn of his house on Kentland Avenue in Providence. It is the house he inherited from his mother but a house, with its $3,200 tax bill, that he can no longer afford.

One day, a staff member of Family Court came to his house and pointed out items he should sell to meet his court obligations. Another time, in the summer of 2009, he was in the chambers of former Family Court Chief Judge Jeremiah Jeremiah when, he says, Jeremiah told him he had two hours to get $4,000 or DCYF would take his kids. He said he drove to New Bedford, borrowed the money from a friend and drove back to the court.

They are among the small indignities that mark the long-distance Family Court experience. They pile up as the years go on. And the years do go on. And the money dries up.

And sometimes a guy goes to prison knowing that when he gets out absolutely nothing will have changed.

bkerr@projo.com

Attachments:

1. RI0814_BRADY_JF_01_08-14-11_IHPO2LK.jpg (18.3 KB)

Kidnapping? Extortion? No, just another child/family investigator

federal21: August 19, 2011 1:47 PM, Posted by Patrice Livingston

From Denver Westword Blogs:
Child/family investigator measure moves ahead amid tales of greed trumping kids' best interest

By Alan Prendergast
Wednesday, March 23, 2011
The e-mails contained an ugly ultimatum: Annette Story had to fork over $1,500 or lose contact with her son.

Colorado State Senator Linda Newell photo blogs.westword.com

Kidnapping? Extortion? No, just another child/family investigator (CFI) demanding an increase in his retainer. Under current Colorado law, Story had no recourse against such an outrageous threat, but a new bill seeks to change that.

Senate Bill 187, sponsored by Denver Democrat Linda Newell, is a package of reforms stemming from the sunset review of how the state regulates mental health professionals. But one little-known amendment, which Newell added in response to concerns from dozens of parents who describe themselves as CFI "victims," would subject CFIs who also happen to be therapists or psychologists to the same disciplinary measures as others in their field.

A CFI is a court-appointed expert who's supposed to help judges make custody decisions in particularly contentious divorce cases. Some CFIs are attorneys and are already subject to the attorney grievance process for any alleged ethical violations. But the Colorado Department of Regulatory Agencies has consistently rejected complaints about mental-health CFIs overstepping their bounds because DORA doesn't have jurisdiction over court proceedings.

Critics of the process say the CFIs don't have any real oversight at all -- even though judges rely on them to make critical decisions about which parent gets more access to the children. At a Wednesday committee hearing on the bill, Newell and other senators heard about CFIs who worked essentially as "hired guns" for certain divorce attorneys rather than as impartial evaluators, even "friending" those attorneys on their Facebook page; CFIs who ignored police reports and frightened kids' accounts and recommended that custody be awarded to chronic child abusers; and, of course, CFIs who seemed more interested in money than the best interests of the children they were evaluating.

"This man threatened to take my child away and hand him over to a known abuser if I didn't pay him another retainer," Story told the committee. "It's a shame my son had to suffer from the time he was nine until he was fifteen because the Colorado courts just take the word of a CFI."

Sue Papke testified about her daughter's battle against an ex (and his allied CFI) that consumed $300,000 over a dozen years. The CFI ignored four years of domestic violence charges, she said, and distorted the record in his official report. "This is the story of everyone in this room," she said. "If you take away their immunity, these people will have to be responsible for their actions, like other professionals."
Attorneys who specialize in family law have acknowledged to Westword that certain CFIs are known to have a bias going into a case. One might be known for being "pro-father," for instance, or inclined to favor the side that recommended that he or she be hired. An attorney CFI showing such favoritism, if it could be proved, would probably face disciplinary action from the Office of Attorney Regulation; but there's no mechanism for seeking redress from a bad therapist CFI.

"There's a double standard," testified Amy Miller, public policy director at the Colorado Coalition Against Domestic

Violence. "This amendment would fix that problem."

Officials at DORA testified against the measure, calling misconduct by CFIs an issue that "should be handled by the courts." But the senators moved the bill forward with the amendment intact.

Janice Whittaker, who founded a group called Parents United for Change after losing her son as the result of a CFI's report six years ago, was cautiously optimistic that the provision will survive further review as it inches through the legislative process.
"I think having the parents there to tell their stories helped change some votes," she said.

Accommodating Children's Human Rights

federal11: August 9, 2011 9:17 PM, Posted and Edited by Patrice Livingston

by Jan Fortin in The Modern Law Review Volume 69 May 2006 no. 3
Accommodating Children's Rights in a Post Human Rights Act Era

Abstract: This article considers why so little case law currently acknowledges that children have recognisable rights under the European Convention on Human Rights and agruges that the family courts are not meeting the demands of the Human Rights Act 1998 in this regard. It suggests that a reinterpretation of the "paramountcy principle" in the Children Act 1989 should be accompanied by a radically different judicial approach to evidence relating to children's best interests. The article considers the difficulties that such an approach might produce when applied to teenagers intent on refusing life-saving medical treatment. It further argues that the courts should call on the substantial body of rights jurisprudence to provide legal and moral support for this revised approach.

INTRODUCTION

he implementation of the Human Rights Act 1998 (the HRA) is now part of our legal history. Nevertheless, the domestic courts are still only flirting with the idea that children are rights holders under the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (the European Convention). The purpose of this article is to consider the ways in which domestic law would have to change to accommodate a new approach to children's cases. Articulating any evidence relating to children in terms of their rights, rather than their welfare, would obviously require a radically different approach to judicial decision-making. This is explored, together with a suggested realignment of evidence normally presented in terms of the child's welfare or best interests. Lastly, the feasibility of this model of working is examined in the context of the legal principles governing teenagers' autonomy.

The domestic courts have responded to the demands of the HRA in an extraordinarily haphazard manner when dealing with children's cases. As Bainham has pointed out, in many areas of law involving children, there has been little attempt to articulate children's interests as rights.' As a brief review of the domestic case law shows, it is only when children are themselves the litigants that the courts consistently articulate their rights.

Summary(partial)

The emerging case law suggests that a teenager's claim to exercise his autonomy based Convention rights will be made to hinge on his ability to comprehend what is involved in the decision itself. Such an approach is probably in tune with society's growing endorsement of individual freedoms. Whilst conforming with a choice or will theory of rights, in practice it is neither logically water tight nor free of dangers. On the other hand, as discussed above, an interest theory of rights allows conceptions of the child's welfare to be accommodated within conceptions of his interests or rights. Meanwhile this theory does not involve rejecting the concept of children having an interest in making choices and therefore their interest in autonomy. Children may indeed have some rights to self-determination based on their interest in choice, without having a right to complete autonomy.

An analysis based on an interest theory of rights withholds the right to complete autonomy, including the right to make all fundamental decisions regarding his future, until the teenager reaches a required level of maturity, measured not only by reference to his powers of comprehension. At this level, he is deemed to be on a par with adult rights holders, with no paternalistic interventions available to protect him from the hazards of dangerous decision-making. Before then the courts are entitled to deny him the right to reach decisions which will materially threaten his adult

wellbeing. Such a stance is a morally coherent one, reflecting the view that the status of minority carries a legal significance. It is designed to protect children from the dangers of adulthood, more particularly from making life-threatening decisions.

see full article here in @1

Attachments:

1. Accommodating Childrens Rights.pdf (3.7 MB)

Redefining the Child's Right to Identity

federal13: August 10, 2011 9:11 AM, Posted and Edited by Patrice Livingston

INTERNATIONAL JOURNAL OF LAW POLICY AND THE FAMILY

August 2004 IJLP&F 2004.18(147)

TITLE: Redefining The Child's Right To Identity
AUTHOR: Ya'ir Ronen

CASES REFERRED TO:
Re M (Child's Upbringing); Re M (Section 94 Appeals); [1995] 1 FLR 546; [1996] 2 FLR 441; Gaskin v United Kingdom; (1989) 160 Eur. Ct. H.R. (ser. A.) p 25

LEGISLATION REFERRED TO:
UN Convention on the Rights of the Child; European Convention for the Protection of Human Rights and Fundamental Freedoms; Children Act 1989

ABSTRACT
This article proposes redefining the child's right to identity as a right to state protection of ties meaningful to the child. Its main arguments are, in essence:
(1) Such a right should protect the development of an authentic individual by seeking the child's wishes and feelings concerning their ties.

(2) Protection of an individualised identity necessitates exploration of culture as a context of personal meaning which cannot be equated with cultural sensitivity as commonly perceived.

(3) Consequently, preferential protection of the child's ties to a minority culture or to individuals affiliated to it is seen as violating the proposed right.

(4) The UN Convention on the Rights of the Child reaffirms commitment to a dynamic child-constructed identity.

(5) Protection of the proposed right reflects, protects and creates a social reality in which children's lives may be imbued with personal meaning. A discussion of two English cases demonstrates these arguments.

1. INTRODUCTION

This article maintains that the state should have a positive duty to safeguard the child's right to identity as a right to protection of ties meaningful to the child . n1

It suggests that these ties delineate the child's identity. These are primarily ties to the human world, but they can also be ties to an animal, such as a dog or a horse, to an inanimate object, such as a book or a tree, or to a geographic place such as a village or a physical home. It begins with an exposition of the main arguments and focus. This introduction is followed by a discussion of authenticity, of the child's legally neglected need for a meaningful existence and of culture as a context of personal meaning. This discussion forms the rationale for the proposed definition of the right to identity. A critical discussion of the right to identity in international law follows, clarifying and exemplifying the

need to redefine the right in positive law. There then follows the essence of the stories of two children as told by the Lord Justices of the English Court of Appeal in two cases which exemplify some of the dilemmas related to identity that are discussed in the article. An analysis of the two court cases presented follows and ends with a concluding note exploring the key implications of the proposed redefinition of the right.

The main arguments of this article are:

1. The child's right to identity derivative of their human dignity should protect the development of an authentic self-actualising individual which maintains psychological
ties, primarily ties of interdependence to significant others. The state should protect a right to an individualised identity by seeking the child's wishes and feelings concerning their ties. In this way, a structured element of caution is introduced into child law policy and practice.

2. Protection of an individualised identity necessitates exploration of culture as a context of personal meaning and is founded on empathic understanding of an
individual child's experience. Such respect cannot be equated with what is commonly perceived as cultural sensitivity.

3. Consequently, preferential protection of the child's ties to a minority culture or to individuals affiliated to that culture is seen as violating the right to identity. Such
preferential protection signifying a politicised selectivity of compassion is an inappropriate tool to correct or counteract prejudices against such a minority culture.

4. Neither the UN Convention on the Rights of the Child (UNCRC) nor the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECPHRFF) explicitly uphold the right to identity as defined here. The child's right to guidance formulated in Article 5 of the UNCRC and their right to free expression and right to participation formulated respectively in Articles 12 and 13 to the UNCRC, as interrelated, implicitly reaffirm the commitment of international law to a dynamic child-constructed identity.

5. Legal protection of the proposed right not only reflects and protects a social reality in which children's lives may be imbued with personal meaning. It also creates such a reality through law's transformative educational impact.

The focus of this discussion is not any national law but rather international instruments, primarily the UNCRC. Though not incorporated into statute law in most jurisdictions (including England), the UNCRC is the most authoritative legal text on children in international law (Van Bueren, 1995:1-25). English Courts, like many other domestic courts world-wide, have recognised that domestic administrative and legal procedures absorb the UNCRC's expectations (Rosenblatt, 2003) and therefore its minimalist and sometimes implicit references to identity are seen as deserving primary attention.

see full article complete with references here in @1

Attachments:

1. RedefiningChildsRighttoIdentity.pdf (271.1 KB)


Rhode Island Forum on Judicial Accountability
RIFOJA
The Ocean State is making "waves"- Working to change the laws... to change our lives.

Bill of Rights for Children in Divorce and Dissolution Actions

rifoja9: July 31, 2011 8:13 PM, Posted and Edited by Patrice Livingston

1. The right to be treated as important and separate human beings with unique feelings, needs, ideas, and desires, not existing solely to gratify the needs of their parents.
2. The right to not participate in the painful games parents play to hurt each other, or be put in the middle of their battles.
3. The right not to be a go-between or a message courier for their parents.
4. The right to a continuing, relaxed, and secure relationship with both parents.
5. The right to express love and affection for, and receive love and affection from, both parents.
6. The right to know that expressions of love between children and parents will not cause fear, disapproval, or other negative consequences.
7. The right to know that their parents decision to divorce is not their fault.
8. The right to know that it is not their responsibility to keep their parents together.
9. The right to continuing care and guidance from both parents.
10. The right to age appropriate answers to questions about the changing family relationships, without placing blame on either parent.
11. The right to know and appreciate what is good in each parent.
12. The right to be protected from hearing degrading or bad comments about either parent.
13. The right to be able to experience regular, consistent, and flexible shared parenting time with both parents, and the right to know the reason for changes in the parenting schedule.
14. The right to have neither parent interfere with, or undermine, parenting time with the other parent.
15. The right to not be forced to choose one parent over the other.
16. The right to express their feelings, concerns, and ideas about the divorce.
17. The right to remain a child without being asked to take on parental responsibilities or to be an adult friend or companion to either parent.
18. The right to the most adequate level of economic support that can be provided from the best efforts of both parents.
19. The right to continue ongoing positive relationships with the people (friends, neighbors, grandparents and extended family) who were an important part of their lives before parental divorce.

Originated with the NJ-AFCC; http://www.npra.info/bilofrights.htm

see also federal14: Convention on the Rights of Children

and federal13: Redefining the Child's Right to Identity

Cross References:

references (2)

federal14: Convention on the Rights of Children
federal13: Redefining the Child's Right to Identity

Judicial Corruption-Judges Jailing Parents for Cash...

legal30: August 12, 2011 9:29 AM, Posted and Edited by Patrice Livingston

... it is all about money.

blog author writes:

An article caught my attention yesterday after I wrote a piece on the American Recovery and Reinvestment Act of 2009, coming out of Pennsylvania. I wanted to wait to see the poll results in the original article found at AOL News. (Source:AOL NEWS; Judges Accused of Jailing Kids for Cash; Orig Article; Feb. 11, 2009) The explanation offered in the article by prosecutors for their taking of over $2.6 million in kickbacks"was corruption on the bench." By the way, the polling results as of 8:45am Est at the above source states that Overall, only 10% of over 9,000 participants have faith in the justice system, while 67% say they don't. The rest have "mixed feelings." Not good for "public confidence" in the judiciary.

"They sold their oaths of offices to the highest bidders," Deron Roberts, chief of the FBI's Scranton office, said at a news conference Monday. (Source:AOL NEWS; 2 Pa. Judges to Plead Guilty to Public Corruption; Orig. Article; Jan. 27, 2009)

This corruption case aside, which affected thousands of minors, brings into question the kickbacks that are received for child support enforcement and the federally subsidized family court system. For every action taken on a case in a family court involving establishing child support orders, establishing paternity orders, and associated enforcement " services" a kickback is received to the state and local offices that trickle right back to the judge making the decisions. What is worse about these kickbacks in the family court system, is that everyone knows that this is happening.

Each branch of government is responsible for managing their own budgets, however the judiciary is unique in that it knows that for every dollar they exhaust in performing services under a Title IV-D contract that they will in essence receive two more dollars back. Judges, their employees, and other participants of these contracts are getting steep kickbacks from the federal government, which isn't much different than what the Pennsylvania judges are guilty of.

Let's take this a step further, because Michigan courts make it even more obvious than other states by using a judicial employee as an intermediary to perform all contractual services. These contractual intermediaries are known as " Friends of Courts" which come to conclusions that in nearly every divorce, separation, and custody action that a child support order is necessary and they make it very difficult to opt-out of these welfare programs. Michigan riddles the obvious kickbacks with conflict of interest issues that are written right into a block of statutes known as the "Friend of the Court Act." These programs and services that judicial employees are getting kickbacks for are nearly all mandatory and all work out to the benefit of the judicial budgets. The morale of the story is that the more people that go through the ringer, the more money the federal government pays to the State and Local decision-makers.

A final point about these various programs is that if the state manages to fail to distribute money after a year, known as "undistributed child support" the state gets to absorb it into their operating budgets as "program income." The entire system is riddled with inconsistencies, kickbacks, and conflicts of interest. Simply put, the program lacks any real government oversight because all branches of government are contracting with each other to get away with it.

Feds Obstruct Intact Families

Bullet points regarding how federal title iv funding obstructs equal parenting initiatives and intact families.

- Title IV-D of the Social Security Act creates an interest for the States to focus on financial gain from one parent over the other without encouraging joint cooperation for equal parenting.
- The current Title IV federal funding system encourages the States to focus programs on state revenue generation by increasing welfare rolls, increase child support orders, increasing removal of children from homes.

About ncpp

ncpp: National Coalition for Protective Parents Taking out Corruption in Carver County Minnesota Family Court/CPS and Foster Care System. Government Abuse IS Child Abuse for Profit. We The People... are no longer tolerating; TAXPAYER dollars (billions) used to separate, and financially demolish families.

see original source for this article at:
http://carvercountycorruption.wordpress.com/2011/07/22/judge-perkins-will-get-money-if-he-puts-banken-mother-in-jail-august-

Fraud in the Family~ The Case of the Cheating Foster Parents

federal18: August 12, 2011 5:03 PM, Posted and Edited by Patrice Livingston

It's almost unthinkable—parents stealing from their own foster child. But here's a story about a couple who did exactly that.

It's also a case that Tampa FBI Agent Dan Kelly, Florida Department of Law Enforcement Agent Terry Corn, and Acting U.S. Attorney Robert O'Neill (now U.S. Attorney) won't soon forget. Said Kelly, "For financial crime investigations, we often don't get to know the victims, but in this instance, it was hard not to be absorbed into this boy 's situation."

It started back in 2000, when 13-year-old Markus Kim suffered an unimaginable loss—his father murdered his mother. Markus was eventually placed with foster parents Radhames and Asia Oropeza in Flushing, New York.

About six months later, Markus learned he was entitled to a $500,000 life insurance policy that his mother had taken out. He couldn't access the money until he turned 18…in the interim it would be managed by the life insurance company. Not long after, Radhames and Asia Oropeza began suggesting that Markus consider real estate investing when he became of age.

Around the time Markus turned 18, his foster parents left New York without a word to him. Turns out they had moved to Florida, and about a year later, he was invited down to visit them. The Oropezas convinced their foster son to buy two $200,000 certificates of deposit (CDs) from a local bank…to better protect his money, they said. Because Markus trusted them, he followed their advice, and even allowed Asia Oropeza to co-sign bank documents.

The bank told Markus he'd receive monthly $1,000 checks—interest earned by the CDs. But after two checks, they stopped coming. He discovered that the CD accounts had been emptied and closed by Asia Oropeza.

So how did the FBI become involved? Markus, becoming exceedingly frustrated, contacted a legal aid attorney in New York, who in turn sought the help of an attorney in Florida. The attorney, who worked the case pro bono, contacted Acting U.S. Attorney O'Neill in Tampa. And O'Neill got in touch with the FBI and the Florida Department of Law Enforcement.

Our investigation revealed that the couple used the CDs—which were also in Asia Oropeza's name—as collateral when applying for two separate mortgage loans, and then once the CDs matured, they used the funds to pay off those loans.

Outcome. Asia Oropeza pled guilty to fraud, while her husband was later convicted at trial. They were ordered to pay Markus restitution, had their real estate holdings seized, and received prison terms. And last month in Tampa, during a press conference attended by investigators and prosecutors who worked the case, the 25-year-old Markus, who works as a concert stage hand in New York, received full restitution—a check for $409,662.07. He told the press that receiving the money gave him "a new lease on life."

Special Agent Kelly says that the investigation brought him and everyone else involved a great deal of satisfaction. " Cases like this," he explained, "show us what kind of impact our work actually has, and that's what keeps us out there doing it every day."

Resource - Press release: http://www.fbi.gov


Rhode Island Forum on Judicial Accountability
RIFOJA
The Ocean State is making "waves"- Working to change the laws... to change our lives.

Flawed DV Practices in Family Court -by Barry Goldstein

policy29: August 27, 2011 6:43 PM, Posted and Edited by Patrice Livingston

By Barry Goldstein

I can understand why the court system did not immediately seek to learn from and rely on domestic violence experts when domestic violence first became a public issue in the mid to late 1970s. There was no research available and few domestic violence advocates. A popular assumption and misconception was that domestic violence was caused by mental illness, substance abuse and the actions of the victim. This led some people, including court professionals to treat mental health professionals as if they were the experts in domestic violence.

I do not understand how courts still do not require the use of domestic violence experts in cases involving allegations or evidence of domestic violence. We now have a substantial body of specialized domestic violence research that establishes the courts are getting a very high percentage of domestic violence custody cases wrong and often spectacularly wrong because of the standard use of flawed practices. These mistaken practices cause even good judges to regularly make bad decisions. Although mothers involved in contested custody cases make deliberately false allegations only one or two percent of the time, fathers receive custody between 70 and 83% of the time. In other words a large majority of abusers who seek custody are successful. The highest priority in deciding custody has to be the child's safety as without safety nothing else matters. In a domestic violence case, this should require a safety or risk assessment.

Instead, custody courts regularly order evaluations. Not only do these evaluations fail to conduct risk assessments but few evaluators even know what behaviors are associated with higher levels of lethality. We virtually never see an evaluation report in which these vital issues are even discussed and when evaluators are asked about abusive behaviors they are rarely aware of the risks demonstrated. Ignorant of fundamental safety issues, evaluators instead focus on less important issues. Evaluators are generally trained in psychology of psychiatry, but not domestic violence. Even if they have received a few hours of training in domestic violence and have been willing to listen (many evaluators are hostile to this training), at most it gives them some general awareness of the subject, but not expertise. That is why evaluators rarely provide the courts with information about lethality assessments, domestic violence dynamics or current scientific research. It is why they don't know what to look for to recognize domestic violence and often mistakenly assume the danger is diminished with the end of the relationship. Especially important is their failure to understand and explain to the courts the harm of domestic violence to children.

Caseworkers at child protective agencies are often social workers and usually have more special training about domestic violence than the psychologists who serve as evaluators. Many communities have developed practices in which child protective agencies and domestic violence agencies work together on domestic violence cases. They cross-train each other's staffs and when a possible domestic violence case needs to be investigated the caseworkers will consult domestic violence advocates and sometimes take them to the home. This practice has been shown to benefit children because it gives caseworkers a better chance to recognize when the father has engaged in domestic violence tactics and therefore create arrangements that work best for children. This should be considered best practices. Ethical practices for psychologists and psychiatrists require these professionals to consult with experts in areas they don't have expertise in that impact cases they are working on. Unfortunately these ethical considerations are aspirational so the routine failure of evaluators to use these ethical practices does not result in disciplinary proceedings. They instead result in ruining children's lives when evaluators fail to recognize domestic violence and protect children from very real dangers. THE BATTERER AS PARENT, which is one of the leading authorities on

domestic violence and custody, makes a similar recommendation. Clearly a practice that works so well for caseworkers who generally have more training is even more important for evaluators to use.

Expertise in Safety Issues Fundamental to the work of domestic violence advocates is the ability to engage in safety planning with their clients. In order to do this, they need to be able to assess the level of danger presented by the client's abuser. We can never know that an abuser will not kill or seriously injure his partner. This is particularly true when she has left him because75% of men who kill their partners do so after she has left. There are, however, many behaviors domestic violence experts look closely at because they have been shown to demonstrate a significantly higher level of danger. Among the factors experts look for in assessing lethality are choking, strangling or grabbing her throat, hitting a woman while pregnant, rape or attempted rape, hurting pets, threatening suicide, homicide or kidnapping, substance abuse, mental illness, refusal to obey laws or court orders, availability of guns and a belief she has no right to leave. With rare exceptions, evaluators and other court professionals do not have this fundamental information and do not apply it to the cases they are working on.

When we review cases in which courts disbelieved the mothers' allegations of domestic violence and gave custody to alleged abusers, the evaluators never discussed safety and lethality issues. It is possible, although rare, that a mother could make false claims that some of these safety factors apply to the case. In such cases the evaluator could explain the potential risk if the allegations were true and why the evaluator does not believe the accusation. Instead the evaluator and the court never discuss these vital issues because no one making the decision or helping the court make the decision have the knowledge or training to recognize these safety factors. In other words the unqualified professionals routinely make recommendations affecting the safety of children without ever understanding or considering the risk. Malpractice is the most, generous term I can think of to describe this dereliction of duty.

Only a broken system can continue to rely on evaluators and other court professionals in domestic violence cases who have virtually no training or understanding of safety and lethality issues just because there is a long history of making this mistake. Recognizing Domestic Violence Domestic violence abusers present many unacceptable risks to children, but the courts cannot protect children if they are unable to recognize the abuser's pattern of domestic violence tactics. Every year 58,000 children are forced into custody or unprotected visitation with dangerous abusers. Judges make these dangerous mistakes because they are relying on court professionals who do not know how to recognize domestic violence or minimize its significance. They often compound the harm to children by denying them normal access to their mothers by punishing mothers for making abuse allegations the courts assume are false because court professionals failed to understand the significance of the available evidence.

When we seek help with a medical problem, doctors often seek to rule out various possible causes in order to make a diagnosis. Domestic violence experts understand that context is important in recognizing domestic violence, but the psychologists and psychiatrists relied on by the courts are not experts in domestic violence and routinely seek to rule out allegations of domestic violence based upon out of context information that often is not probative. We have often seen inadequately trained court professionals dismiss valid domestic violence allegations because the mother returned to her abuser, sought a protective order, but failed to follow-through, did not have medical or police records. All of these are common behaviors of battered women for safety and other valid reasons.

Another common mistake is for court professionals to observe children interact with their father and when the children do not show fear the professional assumes the father cannot possibly be abusive. The children understand that the father would never hurt them in front of witnesses, particularly someone he is trying to impress. In fact they could be punished later if they showed fear. These are all very common situations so if evaluators or other unqualified

court professionals discredit allegations based on non-probative information like this, many valid domestic violence complaints will be denied. This is exactly what is happening in our custody courts. At the same time court professionals are mistakenly discrediting abuse allegations for the wrong reasons, they are missing important evidence that supports the complaints. Often this is because the professionals are only looking for evidence of physical abuse. When judges lament the difficulty of deciding a he-said-she-said case, they are really referencing their failure to recognize the significance of many pieces of evidence that would have made the case easy to understand.

The failure of most court professionals to understand domestic violence dynamics is an important contributor to their inability to recognize valid allegations of abuse. Domestic violence are tactics men use to maintain power and control over their partners. With a few exceptions, the abusers don't abuse her in order to gain pleasure from her suffering. They also don't abuse because they are out of control or she "pushed his buttons." In many custody cases he "only" hit her once or twice because that was sufficient for his purpose. He can then use the same tone of voice, body language or other reference to his assault and she will be coerced to do what he wants. Unqualified professionals often take the fact he has not hit her in a long time to mean he is now safe. Most abuser tactics are neither physical nor illegal. They are behaviors designed to coerce, intimidate and control their victims.

These include tactics to isolate her from friends and family, monitor her behavior, control the finances, and intimidate her such as by threats to go after custody if she leaves him. Emotional and psychological abuse are also part of his pattern of controlling behaviors. Many court professionals have been misled to believe contested custody cases are " high conflict" cases. They understand this to mean the parties are angry with each other and act out in ways that hurt the children. The actual research demonstrates a large majority of contested cases are actually domestic violence cases. They can't be settled because the father is willing to hurt the children in order to regain control. Mothers are unwilling to agree to arrangements that harm their children, but are often blamed for not cooperating. We repeatedly see fathers who had little involvement with the children during the relationship suddenly seeking custody when she leaves him as a tactic to force her to return or punish her for leaving. The most dangerous abusers are the ones who believe she has no right to leave. This is why 75% of men who kill their partners do so after she has left. These are the fathers we see in contested custody cases. This is why over the last few years we have documented at least two hundred children murdered by fathers involved in contested custody cases often with the unwitting assistance of the courts.

Too often court professionals are so delighted that a father wants to be involved with his children that the court professionals never look at his motivation. In the notorious Shockome case, the father openly admitted telling his wife that he brought her here from Russia so she has no right to leave. He said she would never get away from him. He told the court his motivation for seeking to take the children from their mother, but the judge and evaluator never considered this crucial evidence because they failed to understand its significance. Repeatedly we see cases in which the court removes children from their safe mothers who have been the children's primary attachment figures and give custody to the fathers in the belief the father would be more likely to promote the mother's relationship with the children. As soon as the father gains control he destroys that relationship. These mistakes are completely avoidable if court professionals consider the fathers' motivation. The Mistake of Minimizing Domestic Violence While evaluators and other court professionals are generally aware that domestic violence is harmful to children, many place less importance on this issue than it deserves because they are unfamiliar with the research that demonstrates the extent of the harm to children.

The problem is compounded because most of these professionals have repeatedly heard only the first half of an important sentence. They have heard children do better with both parents in their lives, but missed the rest of the

sentence which is unless one of the parents is abusive. Fathers who commit domestic violence are significantly more likely to also directly abuse the children. Even if he doesn't, witnessing domestic violence interferes with children's ability to reach their developmental milestones and makes them more likely to engage in a wide range of harmful behaviors that make it less likely for children to reach their potential. We often see court professionals pay more attention to the anger and emotion of the mother, "friendly parent" issues, superior income and resources and other similar issues that have not been shown to have long-term effects on children instead of the father's history of abuse. This mistake is made because of the lack of domestic violence understanding on the part of many of the evaluators and other court professionals relied on by judges.

The Most Common "Mythtake" Custody Courts Make

The new Department of Justice study led by Dr. Daniel Saunders of the University of Michigan found that evaluators and other court professionals with inadequate domestic violence training were more likely to believe the myth that mothers frequently make false allegations of abuse and as a result make recommendations that work poorly for children. Deliberate false allegations by mothers occurs only one or two percent of the time, but the myth which is encouraged by abuser rights groups and the professionals they support contribute to frequent mistakes by custody courts that dismiss valid complaints about domestic violence and child abuse. Many of the deeply flawed practices such as parental alienation, "friendly parent" and pathologizing mothers are based on this myth. The myth also encourages gender bias and confirmation bias. This is why experts who know the truth and have the training they need are able to make decisions that work best for children.

The Justice Department study also determined that recommendations by social workers and lawyers work better for children than ones by psychologists and psychiatrists. This conclusion goes against conventional wisdom and standard custody court assumptions that professionals with more formal education would be more qualified. The problem is that psychologists and psychiatrists were less likely to use a holistic approach (thus missing the context of domestic violence issues) and more often rely on psychological tests that were not made for the population usually seen in custody cases. These tests encourage the professionals to focus on issues far less important than domestic violence while contributing nothing towards recognizing domestic violence. The study also found that evaluators tended to pay much too much attention to mothers' anger and emotions in comparison to how this impacts their parenting ability. This tended to support the use of gender stereotypes and biases. Numerous court sponsored gender bias committees have found widespread gender bias including the frequent practice of blaming mothers for the actions of their abusers. This is exactly what happens when court professionals blame mothers for their anger and emotion instead of fathers for their continuing abuse that causes this anger and emotion.

Especially significant is the DOJ finding that evaluators working for the court or the county make recommendations that work better for children than those of evaluators in private practice. Protective mothers have long complained about a cottage industry of evaluators and GALs that favor abusive fathers. This research confirms the mothers' complaints and undermines the common court assumption that evaluators and GALs are neutral. The study demonstrates those professionals paid for each case separately do an inferior job. Most contested custody cases are really domestic violence cases and abusive fathers use economic abuse and control as part of their pattern of abuse. This means they control the family finances so court professionals, like Richard Gardner have figured out the best way to make a large income is to support approaches that favor abusers. Thus we often see attorneys representing abusive fathers and GALs who tend to support fathers recommending "fathers' rights" evaluators. This gives even good judges little chance to recognize the domestic violence in the case.

Ignorance Is Not Neutral: It Favors Abusers

We sometimes hear about a judge refusing to participate in domestic violence training or read current research on the grounds that such information would interfere with his neutrality. More frequently judges refuse to listen to testimony from a domestic violence expert because the judge has been on the bench for many years and so doesn't need to learn more about domestic violence. Even more commonly we see judges and other court professionals treat domestic violence advocates as biased partisans because "they are always against domestic violence." This lack of critical thinking contributes to the widespread mishandling of domestic violence custody cases. Abuser rights groups often argue that when they come to court mothers and fathers should be treated the same. Judges often accept and support such statements because they superficially sound reasonable and never consider the unstated part of the statement "regardless of past parenting." If courts are working for the best interests of the children, they need to consider that children usually need one parent more than the other. Their primary attachment figure, whether mother or father is far more important to their well- being than the other parent. A non-abusive parent is far more valuable to a child than an abusive one. And yet we often hear judges uncritically repeating the belief that the child needs both parents equally. Many judges wrongly assume that the mental health professionals working in custody cases have the needed domestic violence expertise or that the couple of hours of required training often obtained by court professionals is sufficient.

Many professionals and others do not look at domestic violence as a subject for which specialized training and knowledge is needed. Most people have had some experience with domestic violence as a victim, offender or knowing or working with someone who is. This does not tell them if their experience was typical or unusual and fails to provide context or an understanding of domestic violence dynamics or current scientific research. The custody court system has been extremely defensive in refusing to adopt needed reforms in the face of multiple confirmations from many varied sources that the present practices are working poorly for the children overseen by custody courts. The Department of Justice study demonstrates the courts frequently use experts without adequate training in domestic violence and this results in the use of myths instead of current scientific research and outcomes that hurt children. In comparision, communities in which child protective agencies consult with domestic violence advocates the resulting arrangements benefit children.

The evaluators who testify in court cannot tell us how their practices and approaches to domestic violence have worked out for the children they have seen because they are making recommendations based on their personal beliefs and biases instead of current scientific research that they are often unfamiliar with. When the evaluators are challenged for their ignorance about this research, courts rarely use this to disqualify or discredit their recommendations. The research that establishes that 98% of mothers' domestic violence allegations are honest, but 70-83% of the time the alleged abuser wins custody does not tell us a specific case was wrongly decided, but does demonstrate a large majority of these cases are wrongly decided. Even worse are the sexual abuse cases in which 85% of the cases result in custody for the alleged offender. These cases are more difficult because the mothers usually did not witness the alleged sexual abuse. Some of the concerns could be caused by a child's sexualized behavior or complaints that might be caused by boundary violations rather than molestation.

Nevertheless, the outcomes establish that the courts often send children to live with sexual abusers and punish mothers for good faith reports. In many of these cases the mother was the primary attachment figure so should have received custody even if no sexual abuse occurred. In many cases in which the custody court decided the father was safe he is later convicted of domestic violence, sexual abuse or kills the mother and/or children. We also see alleged abusers destroy the relationships between mothers and children once they gain control of the children which confirms

their purpose in seeking custody was to punish the mother for leaving. The reports of the Courageous Kids who were children sent by custody courts to live with alleged abusers and now describing their experiences after aging out of the court order further confirms the frequency of courts giving custody to abusers.

A chapter written by sociologists Sharon Araji and Rebecca Bosek in DOMESTIC VIOLENCE, ABUSE and CHILD CUSTODY provides multiple additional confirmations of the frequent mistakes in domestic violence custody cases. They interviewed protective mothers in Alaska and then compared the responses to similar studies in four other states. They found substantial complaints by the mothers of mistreatment by the courts and failure to protect their children. The complaints were supported by the results in the five studies and in a later study by Voices of Women that reviewed reports from mothers in New York City Family Court. These were not random samples and courts might argue the mothers were not objective. Drs. Araji and Bosek covered this potential concern by comparing the mothers' complaints with other scientific research. The research confirmed what the mothers were saying. This is significant because it confirms the research that demonstrates mothers' complaints are reliable and confirms the problems cited concerning the courts' response to domestic violence cases are valid. Domestic violence advocates constitute the only profession that works full time on domestic violence issues.

The widespread mistake by many court professionals to treat them as if they are biased or partisan is based upon a lack of critical thinking. If courts needed to respond to a rash of arson fires, they would seek help from the experts which would be the firefighting community. The firefighters would be treated as the experts they are even if they had no advanced degrees or even a college degree. Through training and experience firefighters know best how to recognize arson, prevent and respond to arson. There are three important differences between arson and domestic violence crimes. One is that arson has always been a crime so there is no history of society tolerating or encouraging arson. If a landlord were particularly cruel or dishonest no one would say the arsonist was justified in burning down his building. The second is that most firefighters are men and in our still sexist society people pay more attention to what men say and treat it as having more value. Finally there are no arsonist's rights groups that can lobby to minimize or justify their crimes. There was a time when society had not reached a consensus about domestic violence, but those days are past.

Every state has made a variety of domestic violence acts crimes and every state has ordered courts to take domestic violence seriously in custody cases based on research that establishes the harm to children. Domestic violence advocates understand the dynamics of intimate partner abuse and how to recognize the pattern of abuse. This is an area that the court professionals repeatedly miss because they don't have the training and often don't even realize they are missing crucial information. Advocates have no desire or reason to want false allegations to succeed and in fact this would make their job more difficult. Their goal is to keep victims safe and prevent domestic violence. This coincides with the laws and policies in every state. Statements and practices that minimize the role of domestic violence advocates or treat them as if they were partisan should be viewed not just as wrong, but a demonstration of gender bias. Stare decisis is a fundamental legal principle created to prevent the need to relitigate the same issues over and over. We have every reason to respect this principle, but it has been misused in domestic violence cases. The assumption is that once a court makes a decision (after any appeals), we must assume the decision is correct.

Unfortunately the assumption that the decisions were correct has discouraged court officials from investigating how their decisions have worked out. Judge Sol Gothard wrote, "If the court system had commissioned research to determine how the present practices are working, the result would be the information contained in Domestic Violence, Abuse and Child Custody. The research findings demonstrate court practices are outdated and their confidence misplaced." In reality, these decisions are predictions that children would do better living with one parent

than the other. It is appropriate for courts to study how these predictions have worked out just as it is proper to reconsider past decisions based on new research and information. When allegations or evidence of domestic violence are part of a custody case, a court must consider current scientific research about domestic violence and learn from the knowledge and experience of domestic violence advocates or other experts. Hopefully it won't be long until we are shaking our heads and wondering how it could have taken so long to appreciate what should be obvious. A custody court that refuses to listen to a domestic violence expert is demonstrating its bias and committing malpractice. The failure to consider domestic violence research and expertise should be grounds for reversal. The flawed and outdated practices that have ruined too many children's lives have already been tolerated for far too long. Barry Goldstein is a nationally recognized domestic violence expert, speaker, writer and consultant. He is the co-editor with Mo Therese Hannah of DOMESTIC VIOLENCE, ABUSE and CHILD CUSTODY.

Barry can be reached by email at their web site http://www.Domesticviolenceabuseandchildcustody.com

Center Files Bar Association Complaint Against Attorney Nabil Saaman

policy24: August 25, 2011 11:16 PM, Posted and Edited by Patrice Livingston

The Center was heartbroken to learn about the recent tragic murder of 2-year-old Madeline Layla Samaan-Fay by her father, Mourad Samaan, who then took his own life. This horrific murder-suicide represents yet another child's death that could have been avoided had the Sacramento Family Court heeded prior warnings raised by the mother.

In the aftermath of the tragedy, Mourad Samaan's brother, attorney Nabil Samaan made statements on local television condoning and endorsing his brother's horrific actions.

Click here to watch Nabil Samaan talk to FOX News 40 about his brother's actions.

The Center was outraged to learn that an attorney would make such a statement on TV, and after reviewing the State Bar Act of California, we decided to file a formal complaint against Nabil Samaan with the California State Bar Association (reference complaint # 11-26938).

Click here to watch FOX News 40's coverage of the Center's complaint filed with California State Bar Association.

We appreciate the fact that Nabil Samaan recanted his statements after learning of our complaint to the State Bar. We hope that this offered a modicum of solace to those who may have been offended and hurt by his statements. Since filing the complaint, the Center has heard from multiple individuals with information that may support the call for disbarment. If you know of anyone with information that could support this complaint, please direct them to contact us.

Mourad Samaan had violated court orders five times in the past two months for failing to return his daughter to his ex-wife on time. Despite pleadings from Samaan-Fay's mother, Deputy Attorney General Marcia Ann Fay, Judge Peter McBrien allowed Samaan to have unsupervised visits with their daughter. The Sacramento Family Court's failure to protect ultimately resulted in two lives unnecessarily lost.

Our thoughts and prayers go out to Marcia Ann Fay and all those affected by this tragic and preventable loss.

Significant Media Advocacy Opportunity

The Center was recently contacted by a Bay Area reporter who is doing a story about the now standard practice for family law attorneys to warn and/or advise their clients against bringing evidence of child abuse into family court.

If you or a Bay Area litigant you know was advised of the risks of bringing up abuse in family court, please send an email to Program Director Carolyn Placente with your name, number, the Bay Area city in which you live, and the county where your case is. We will then let you know how to reach the reporter.

2011 UN Report on the Progress of Women

rifoja20: August 8, 2011 6:53 PM, Posted and Edited by Patrice Livingston

By Melissa J. Anderson (New York City)

This week marked the release of UN Women's first report, *Progress of the World's Women 2011–2012: In Pursuit of Justice*. UN Women was founded last July, in order to accelerate the UN's progress toward achieving its gender equality goals.

The report produced some tidbits that may surprise you – for example, that women in Quatar earn 142% of what men earn in the manufacturing sector, or that women hold 51% of seats in Rwanda's parliament.

But the report goes much deeper than that. The comprehensive study of women's access to justice around the world is not intended to portray women as people who need protection, but to seek out ways to empower women and improve gender equality. Secretary General Ban Ki-moon wrote, "This edition of Progress of the World's Women examines the injustice that far too many women endure. It also highlights how essential it is to see women as far more than victims, but as agents of change."

The aim of the report is to acknowledge the global gap between what is set down in law and what really happens, and to establish goals in narrowing that gap.

Disparity Between Law and Practice

We all know that what's written in the rule book doesn't necessarily translate to real life. In large part, *Progress of the World's Women 2011–2012: In Pursuit of Justice* is dedicated to identifying those countries that are not walking the talk when it comes to gender equality.

Under-Secretary-General and Executive Director of UN Women Michelle Bachelet emphasizes in her opening letter that while women have made great strides in the past century, there is much to be done. She wrote:

> *"[The report] shows that where laws and justice systems work well, they can provide an essential mechanism for women to realize their human rights.*
> *However, it also underscores the fact that, despite widespread guarantees of equality, the reality for many millions of women is that justice remains out of reach."*

Bachelet means that, just because 125 countries have outlawed domestic violence and 115 guarantee equal property rights, that doesn't mean those legal guarantees hold up in practice, and the report is an acknowledgment of this.

The report says:

> *"In many contexts, in rich and poor countries alike, the infrastructure of justice – the police, the courts and the judiciary – is failing women, which manifests itself in poor services and hostile attitudes from the very people whose duty it is to fulfill women's rights. As a result, although equality between women and men is guaranteed in the constitutions of 139 countries and territories, inadequate laws and loopholes in legislative*

> *frameworks, poor enforcement and vast implementation gaps make these guarantees hollow promises, having little impact on the day-to-day lives of women."*

For example, as the report says, "despite decades of equal pay legislation, wage gaps remain wide and persistent across all regions and sectors."

And in many cases the justice chain works against women as well, with attrition from the justice system at startling levels. For instance, as the report explains, that in Gauteng Province, South Africa, "only 17 percent of reported rapes reached court and just 4 percent ended in a conviction for rape."

And that's not counting the women who aren't even protected by law. According to the study, "Some 600 million women, more than half the world's working women, are in vulnerable employment, trapped in insecure jobs, often outside the purview of labour legislation."

Recommendations

The report put forth ten recommendations for closing the gender disparity between law and practice.

1. Support women's legal organizations.
2. Support one-stop shops and specialized services to reduce attrition in the justice chain.
3. Implement gender-sensitive law reform.
4. Use quotas to boost the number of women legislators.
5. Put women on the front line of law enforcement.
6. Train judges and monitor decisions.
7. Increase women's access to courts and truth commissions during and after conflict.
8. Implement gender-responsive reparations programmes.
9. Invest in women's access to justice.
10. Put gender equality at the heart of the Millennium Development Goals.

By increasing focus on gender and getting more women involved in positions of power, equality can be achieved. Women who serve as role models can inspire and empower women around the world – and they can also improve the chain of justice. In many countries of the world, the rule of law still rules women out.

In every region, there are laws that discriminate against women, in relation to property, the family, employment and citizenship. Too often, justice institutions, including the police and the courts, deny women justice. But, governments and civil society are pioneering innovative approaches to ensure that women can access justice

Catalyzing gender-sensitive law reform, investing in one-stop shops and providing reparations for women are just some of the responses that are making a difference. Women parliamentarians, lawyers, judges and activists are driving change and making a difference

Ensuring women are in parliaments, are on the front-line of justice, and are represented in the judiciary and customary justice systems helps women to access their rights.

Groundbreaking strategic litigation has been used in every region to expand access to justice for millions of women.

see 12 page Executive Summary Here in @1
see 168-page Full Report here in @2
original source: http://progress.unwomen.org/

Attachments:

1. 2011-2012EN-ExecSummary-Progress-of-the-Worlds-Women1.pdf (423 KB)
2. 2011-2012-EN-FullReport-Progress.pdf (9.6 MB)

2011 Crimes Against the Public Trust Statute - Title 42

policy11: August 8, 2011 9:44 PM, Posted by Patrice Livingston

Title 42 of the General Laws entitled "STATE AFFAIRS AND GOVERNMENT" is hereby amended by adding thereto the following chapter:

CHAPTER 42-9.4

Public Corruption and White Collar Crime Unit

42-9.4-1.1 Legislative Findings - The general assembly hereby finds and declares that:

(1) Government Integrity is the backbone of efficient and effective state and municipal governments

(2) Abuse of the public trust erodes the public's confidence in public servants, as well as undermines the ability of government to work toward the public good.

(3) Recent and historical cases of the abuse of public trust has had a negative impact on the operation of state and municipal government and the state's economy.

(4) All citizens of Rhode Island heave the right to open, honest and ethical government

(5) The public needs an advocated to ensure that the policy goals and laws established to protect Rhode Islanders from abuse of the public trust are enforced

(6) In order to provide a safeguard against abuses of the public trust by public servants, the general assembly finds it necessary to establish a public corruption and white collar crime unit within the department of attorney general.

42-9.4-2. Definitions - As used in this chapter:

(1) "Public Servant" means:

(i) Any full-time or part-time employees in the classified, non-classified and unclassified service of the state or of any city or town within the state, any individuals serving in any appointed state or municipal position, any employees of any public or quasi-public state or municipal board, commission, or corporation, and any contractual employees of the state or of any city or town within the state.

(ii) Any officer or member of a state or municipal agency as defined in subdivision 36-14-2(8) who is appointed for a term of office specified by the constitution or a statute of this state or a charter or ordinance of any city or twon or who is appointed by or through the governing body or highest official of state or municipal government; or

(iii) Any person holding any elective public office pursuant to a general or special election

(2) "Abuse of Public trust" means any conduct, criminal or unethical in nature, that deprives the citizens of the State of Rhode Island and its municipalities of a government that operates in furtherance of the public interest.

42-9.4-3 Establishment - There shall be established within the department of attorney general a public corruption and white collar crime unit. The unit shall consist of at least an assistant or special assistant attorney general designated by the attorney general. The unit is authorized to perform the following duties as the attorney general may direct, including, but not limited to:

(1) Investigate potential cases of abuse of the public trust in accordance with the Rhode Island general laws;

(2) Prosecute cases of abuse of the public trust in accordance with the Rhode Island general laws;

(3) Cooperate with the United States Attorney's Office, the Federal Bureau of Investigation, the Rhode Island State Police and the Rhode Island Ethics Commission on investigations and prosecutions related to the abuse of the public trust, and

(4) Establish a whistleblower hotline for repots of potential violations regarding abuse of the public trust

42-9.4-4 Whistleblower protections -

(a) prohibition against discrimination. No person may discharge, demote, threaten or otherwise discriminate against any person or employee with respect to compensation, terms, conditions or privileges of employment as a reprisal because the person or employee, or any person acting pursuant to the request of the employee, provided or attempted to provided information to the attorney general or his or her designee or other law enforcement entities regarding possible violations of the Rhode Island general laws by public servants.

(b) Enforcement. Any person or employee or former employee who believes that he or she has been discharged or discriminated against in violation of subsection (a) may file a civil action within three (3) years of the date of discharge or discrimination

(c) Remedies. If the court determines that a violation has occurred, the court may order the person who committed the violation to:

(1) Reinstate the employee to the employee's former position:
(2) Pay compensatory damages, costs of litigation and attorneys' fees; and/or
(3) Take other appropriate actions to remedy any past discrimination

(d) Limitation. The protections of this section shall not apply to any person or employee who:

(1) Deliberately causes or participates in the alleged violation of law or regulation; or
(2) Knowingly or reclessly provides substantially false information to the attorney general or his or her designees

42-9.4-5 No derogation of attorney general -
(a) No provision of this chapter shall derogate from the common law or statutory authority of the attorney general nor shall any provision be construed as a limitation on the common law or statutory authority of the attorney general

SECTION 2: This act shall take effect upon passage.

Applying The Law In Family Law - Sept 7th, 2011

pvl98: September 1, 2011 12:09 AM, Posted by Patrice Livingston

http://www.meetup.com/NFOJA-and-Fallout-Shelter-meetup/events/31144962/?a=ea1.2_grp&rv=ea1.2

Wednesday, September 7, 2011, 7:00 PM

SELECTED BY: ZENA CRENSHAW LOGAL

Online Symposium

Web and Phone Conferencing, World Wide Web, DC (map)

Family law judges address a wide range of facts and circumstances. So it can be difficult to establish that a family law court disregarded stare decisis, the doctrine of precedent. Yet the stability, predictability, efficiency, and welfare-enhancement that comes from appropriate adherence to precedent is particularly important in family law. "Applying The Law In Family Law" helps family law activists get the most out of "The Matthew Fogg Symposia On The Vitality of Stare Decisis in America." Through both programs participants will better relate child custody and visitation disputes as well as Domestic Violence cases to legal system reform efforts that are broader than, but impact family, parents, grandparents, and child rights.

see also https://www.facebook.com/pages/Applying-The-Law-In-Family-Law/147342165352893